

Status: Point in time view as at 19/07/2006.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Cross Heading: National Health Service Act 1977 (c. 49). (See end of Document for details)

SCHEDULES

SCHEDULE 11

PART 4: MINOR AND CONSEQUENTIAL AMENDMENTS

National Health Service Act 1977 (c. 49)

7 The 1977 Act has effect subject to the following amendments.

Commencement Information

- I1** Sch. 11 para. 7 in force at 3.2.2004 for specified purposes for E. by S.I. 2004/288, **art. 2(1)(c)** (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I2** Sch. 11 para. 7 in force at 3.2.2004 for specified purposes for E. by S.I. 2004/288, **art. 2(1)(b)** (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I3** Sch. 11 para. 7 in force at 3.2.2004 for specified purposes for E. by S.I. 2004/288, **art. 3(1)(d)** (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I4** Sch. 11 para. 7 in force at 28.2.2004 for specified purposes for W. by S.I. 2004/480, **art. 2(1)(b)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I5** Sch. 11 para. 7 in force at 28.2.2004 for specified purposes for W. by S.I. 2004/480, **art. 2(1)(c)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I6** Sch. 11 para. 7 in force at 28.2.2004 for specified purposes for W. by S.I. 2004/480, **art. 2(1)(f)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I7** Sch. 11 para. 7 in force at 28.2.2004 for specified purposes for W. by S.I. 2004/480, **art. 3(1)(c)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I8** Sch. 11 para. 7 in force at 1.3.2004 for specified purposes for E. by S.I. 2004/288, **art. 4(2)(b)** (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I9** Sch. 11 para. 7 in force at 1.3.2004 for specified purposes for E. by S.I. 2004/288, **art. 2(2)(c)** (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I10** Sch. 11 para. 7 in force at 1.4.2004 for specified purposes for E. by S.I. 2004/288, **art. 5(2)(e)** (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I11** Sch. 11 para. 7 in force at 1.4.2004 for specified purposes for W. by S.I. 2004/480, **art. 4(2)(e)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I12** Sch. 11 para. 7 in force at 1.12.2005 for specified purposes for E. by S.I. 2005/2925, **art. 4(1)(c)**
- I13** Sch. 11 para. 7 in force at 1.12.2005 for specified purposes for E. by S.I. 2005/2925, **art. 5(1)(e)**
- I14** Sch. 11 para. 7 in force at 1.12.2005 for specified purposes for E. by S.I. 2005/2925, **art. 4(1)(b)**
- I15** Sch. 11 para. 7 in force at 1.12.2005 for specified purposes for E. by S.I. 2005/2925, **art. 6(1)(b)**
- I16** Sch. 11 para. 7 in force at 15.2.2006 for specified purposes for W. by S.I. 2006/345, **art. 3(1)(d)**
- I17** Sch. 11 para. 7 in force at 15.2.2006 for specified purposes for W. by S.I. 2006/345, **art. 2(1)(b)**
- I18** Sch. 11 para. 7 in force at 15.2.2006 for specified purposes for W. by S.I. 2006/345, **art. 4(1)(b)**
- I19** Sch. 11 para. 7 in force at 1.4.2006 for specified purposes for W. by S.I. 2006/345, **art. 6(1)**

8 In section 3, at the end insert—

“(4) For the purposes of the duty in subsection (1), services provided under—
(a) section 16CA(2) or 16CC(2) below, or

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(b) a general medical services contract or a general dental services contract,
 are to be regarded as provided by the Secretary of State.”

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- I20** Sch. 11 para. 8 in force at 28.2.2004 for W. by S.I. 2004/480, art. 2(1)(f) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I21** Sch. 11 para. 8 in force at 1.3.2004 for E. by S.I. 2004/288, art. 2(2)(c) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

9 In section 15(1)(a), for “general medical services, general dental services” substitute “primary medical services, primary dental services”.

Commencement Information

- I22** Sch. 11 para. 9 in force at 1.4.2004 for E. by S.I. 2004/288, art. 5(2)(f) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I23** Sch. 11 para. 9 in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(f) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

10 In section 16BB(4), at the end insert “ (including functions under sections 16CA to 16CC below) ”.

Commencement Information

- I24** Sch. 11 para. 10 in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(g) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

11 In section 16BC(1), at the end insert “ or sections 16CA to 16CC below ”.

Commencement Information

- I25** Sch. 11 para. 11 in force at 1.4.2006 for specified purposes for W. by S.I. 2006/345, art. 6(2)(b)

12 In section 18A(3)—

(a) in paragraph (a), omit “general medical, general dental,”; and

(b) for paragraph (b) substitute—

“(b) providing or performing primary medical services or primary dental services under this Part.”.

Commencement Information

- I26** Sch. 11 para. 12 in force at 1.4.2004 for E. by S.I. 2004/288, art. 5(2)(g) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

13 (1) Section 26 is amended as follows.

(2) In subsection (2) (as substituted by the National Health Service (Primary Care) Act 1997)—

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- (a) in paragraph (a), omit “general medical services, general dental services”;
- (b) for paragraph (b) substitute—
 - “(b) providing services under a general medical services contract or a general dental services contract or in accordance with section 28C arrangements.”.

(3) In subsection (4)—

- (a) in paragraph (a), omit “general medical services, general dental services”;
- (b) for paragraph (aa) substitute—
 - “(aa) persons performing services under a general medical services contract or a general dental services contract or in accordance with section 28C arrangements”.

Commencement Information

- I27** Sch. 11 para. 13 in force at 1.4.2004 for E. by [S.I. 2004/288](#), [art. 5\(2\)\(g\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))
- I28** Sch. 11 para. 13 in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(h\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

- 14 In section 28C(1)(a) and (b), (2)(a) and (b) and (4), for “personal”, in all places, substitute “primary”.

Commencement Information

- I29** Sch. 11 para. 14 in force at 1.3.2004 for specified purposes for E. by [S.I. 2004/288](#), [art. 4\(2\)\(b\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))
- I30** Sch. 11 para. 14 in force at 1.12.2005 for E. so far as not already in force by [S.I. 2005/2925](#), [art. 6\(1\)\(b\)](#)
- I31** Sch. 11 para. 14 in force at 15.2.2006 for specified purposes for W. by [S.I. 2006/345](#), [art. 4\(1\)\(b\)](#)

- 15 (1) Section 28D is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (a), at the end insert “ or NHS foundation trust ”;
- (b) in paragraph (d), for “or a section 17C employee” substitute “, a section 17C employee or an Article 15B employee ”;
- (c) in paragraph (f), at the end insert “ or Local Health Board ”.

(3) In subsection (2), after the definition of “the 1978 Act” insert—

““Article 15B arrangements” means arrangements for the provision of services made under Article 15B of the Health and Personal Social Services (Northern Ireland) Order 1972 (1972 No. 1256 (N.I. 14));

“Article 15B employee” means an individual who, in connection with the provision of services in accordance with Article 15B arrangements, is employed by a person providing or performing those services;”.

(4) In subsection (2), in the definition of “qualifying body”—

- (a) in paragraph (a), for “(c)” substitute “ (ba), (bb), (bc) ”;
- (b) in paragraph (b), for “personal” substitute “ primary ”.

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- I32** Sch. 11 para. 15 in force at 1.3.2004 for specified purposes for E. by S.I. 2004/288, **art. 4(2)(b)** (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I33** Sch. 11 para. 15 in force at 1.12.2005 for E. so far as not already in force by S.I. 2005/2925, **art. 6(1)(b)**
- I34** Sch. 11 para. 15 in force at 15.2.2006 for specified purposes for W. by S.I. 2006/345, **art. 4(1)(b)**

16 In section 28EE(2), for “personal” substitute “primary”.

Commencement Information

- I35** Sch. 11 para. 16 in force at 1.3.2004 for specified purposes for E. by S.I. 2004/288, **art. 4(2)(b)** (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

17 In section 28I(a), for the words from “personal medical services” to “arrangements” substitute “primary medical services or primary dental services under this Part”.

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- I36** Sch. 11 para. 17 in force at 1.3.2004 for specified purposes for E. by S.I. 2004/288, **art. 4(2)(b)** (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I37** Sch. 11 para. 17 in force at 1.4.2006 for E. so far as not already in force by S.I. 2005/2925, **art. 10(2)(b)**
- I38** Sch. 11 para. 17 in force at 1.4.2006 for specified purposes for W. by S.I. 2006/345, **art. 6(2)(c)**

18 (1) Section 41(1) is amended as follows.

(2) In paragraph (b), after “medicines” insert “and listed appliances”.

(3) In paragraph (c)—

(a) after “medicines” insert “and listed appliances”;

(b) for “general dental services” substitute “primary dental services”.

Commencement Information

- I39** Sch. 11 para. 18 in force at 1.4.2006 for specified purposes for W. by S.I. 2006/345, **art. 6(2)(c)**
- I40** Sch. 11 para. 18 in force at 1.4.2006 for E. by S.I. 2005/2925, **art. 10(2)(b)**

19 In section 43(1), for “general medical services or general dental services” substitute “primary medical services or primary dental services under Part 1 above”.

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- I41** Sch. 11 para. 19 in force at 1.4.2006 for specified purposes for W. by S.I. 2006/345, **art. 6(2)(c)**
- I42** Sch. 11 para. 19 in force at 1.4.2006 for E. by S.I. 2005/2925, **art. 10(2)(b)**

20 In section 43D(10)—

(a) omit paragraphs (a) and (b);

(b) for the words from “paragraphs” to “a services list prepared by” substitute “paragraphs (c) to (e), a supplementary list, a list under section 28X or a list corresponding to a list under section 28X prepared by”.

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- I43** Sch. 11 para. 20 in force at 1.4.2004 for specified purposes for W. by S.I. 2004/480, **art. 4(2)(i)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I44** Sch. 11 para. 20 in force at 1.4.2004 for specified purposes for E. by S.I. 2004/288, **art. 5(2)(h)** (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I45** Sch. 11 para. 20 in force at 1.4.2006 for specified purposes for W. by S.I. 2006/345, **art. 6(2)(c)**
- I46** Sch. 11 para. 20(a) in force at 1.4.2006 for E. so far as not already in force by S.I. 2005/2925, **art. 10(2)(b)**
- I47** Sch. 11 para. 20(b) in force at 1.4.2006 for E. by S.I. 2005/2925, **art. 10(2)(b)**

- 21 (1) Section 44 is amended as follows.
- (2) In the side-note, for “local representative committees” substitute “ Local Optical Committees and Local Pharmaceutical Committees ”.
 - (3) Omit subsections (ZA1) to (B1).
 - (4) In subsection (1)—
 - (a) for the words from “a Health Authority” to “their area” substitute “ a Local Health Board is satisfied that a committee formed for its area, or for its area and that of one or more other Local Health Boards ”;
 - (b) for “the Health Authority” substitute “ the Local Health Board ”.
 - (5) Omit subsections (3)(a) to (d) and (5).

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- I48** Sch. 11 para. 21(1) in force at 1.4.2004 for specified purposes for E. by S.I. 2004/288, **art. 5(2)(i)** (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I49** Sch. 11 para. 21(1) in force at 1.4.2004 for specified purposes for W. by S.I. 2004/480, **art. 4(2)(j)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I50** Sch. 11 para. 21(1) in force at 1.4.2006 for specified purposes for W. by S.I. 2006/345, **art. 6(2)(d)**
- I51** Sch. 11 para. 21(1)(3)(5) in force at 1.4.2006 for E. so far as not already in force by S.I. 2005/2925, **art. 10(2)(b)**
- I52** Sch. 11 para. 21(2)(4) in force at 1.4.2004 for W. by S.I. 2004/480, **art. 4(2)(j)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I53** Sch. 11 para. 21(2)(4) in force at 1.4.2006 for E. by S.I. 2005/2925, **art. 10(2)(b)**
- I54** Sch. 11 para. 21(3) in force at 1.4.2004 for specified purposes for W. by S.I. 2004/480, **art. 4(2)(j)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I55** Sch. 11 para. 21(3) in force at 1.4.2004 for specified purposes for E. by S.I. 2004/288, **art. 5(2)(i)** (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I56** Sch. 11 para. 21(5) in force at 1.4.2004 for specified purposes for W. by S.I. 2004/480, **art. 4(2)(j)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I57** Sch. 11 para. 21(5) in force at 1.4.2006 for specified purposes for W. by S.I. 2006/345, **art. 6(2)(d)**

- 22 (1) Section 45 is amended as follows.
- (2) In the side-note, for “local representative committees” substitute “ Local Optical Committees and Local Pharmaceutical Committees ”.
 - (3) In subsection (1)—
 - (a) for “Health Authorities” substitute “ Local Health Boards ”;
 - (b) omit paragraph (b).

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- (4) In subsection (1ZA), omit paragraph (b) and the preceding “or”.
- (5) In subsection (1A)—
 - (a) omit “Strategic Health Authority”;
 - (b) for “Health Authority” substitute “ Local Health Board ”.
- (6) In subsection (1C), for the words from “an area” to the end substitute “ an area under subsection (B2)(b)(ii) of section 44 above shall, in respect of each year, determine the amount of its administrative expenses for that year attributable to the persons providing local pharmaceutical services in the Primary Care Trust’s area ”.
- (7) In subsection (2), for “Health Authority”, in both places, substitute “ Local Health Board ”.
- (8) In subsection (3)—
 - (a) for “Health Authority”, in both places, substitute “ Local Health Board ”;
 - (b) omit “general medical services, general dental services,”.
- (9) In subsection (4), for the words from “deputy medical practitioners” to “as the case may be” substitute “ persons providing local pharmaceutical services ”.

Commencement Information

- I58** Sch. 11 para. 22 in force at 1.4.2006 for E. so far as not already in force by [S.I. 2005/2925](#), **art. 10(2)(b)**
- I59** Sch. 11 para. 22(1) in force at 1.4.2004 for specified purposes for E. by [S.I. 2004/288](#), **art. 5(2)(j)** (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))
- I60** Sch. 11 para. 22(1) in force at 1.4.2004 for specified purposes for W. by [S.I. 2004/480](#), **art. 4(2)(l)** (with [arts. 6, 7](#))
- I61** Sch. 11 para. 22(1) in force at 1.4.2004 for specified purposes for W. by [S.I. 2004/480](#), **art. 4(2)(k)** (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- I62** Sch. 11 para. 22(1) in force at 1.4.2006 for specified purposes for W. by [S.I. 2006/345](#), **art. 6(2)(e)**
- I63** Sch. 11 para. 22(2)(3)(a)(5)(b)(7)-(9) in force at 1.4.2004 for W. by [S.I. 2004/480](#), **art. 4(2)(k)** (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- I64** [Sch. 11 para. 22\(3\)\(b\)](#) in force at 1.4.2006 for specified purposes for W. by [S.I. 2006/345](#), **art. 6(2)(e)**
- I65** Sch. 11 para. 22(8)(b)(9) in force at 1.4.2004 for E. by [S.I. 2004/288](#), **art. 5(2)(j)** (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))
- I66** Sch. 11 para. 22(8)(b)(9) in force at 1.4.2004 for W. by [S.I. 2004/480](#), **art. 4(2)(l)** (with [arts. 6, 7](#))

23 After section 45 insert—

“45A Local Medical Committees

- (1) A Primary Care Trust may recognise a committee formed for its area, or for its area and that of one or more other Primary Care Trusts, which it is satisfied is representative of—
 - (a) the persons to whom subsection (3) applies; and
 - (b) the persons to whom subsection (4) applies.
- (2) A Local Health Board may recognise a committee formed for its area, or for its area and that of one or more other Local Health Boards, which it is satisfied is representative of—
 - (a) the persons to whom subsection (3) applies; and

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- (b) the persons to whom subsection (4) applies.
- (3) This subsection applies to—
 - (a) every medical practitioner who, under a general medical services contract entered into by him, is providing primary medical services in the area for which the committee is formed; and
 - (b) every medical practitioner who is providing general ophthalmic services in that area.
- (4) This subsection applies to every other medical practitioner—
 - (a) who is performing primary medical services in the area for which the committee is formed—
 - (i) pursuant to section 16CC(2)(a) above;
 - (ii) in accordance with section 28C arrangements; or
 - (iii) under a general medical services contract; and
 - (b) who has notified the Primary Care Trust or Local Health Board that he wishes to be represented by the committee (and has not notified it that he wishes to cease to be so represented).
- (5) A committee recognised under this section shall be called the Local Medical Committee for the area for which it is formed.
- (6) Any such committee may delegate any of its functions, with or without restrictions or conditions, to sub-committees composed of members of that committee.
- (7) Regulations may require a Primary Care Trust or Local Health Board, in the exercise of its functions relating to primary medical services, to consult any committee recognised by it under this section on such occasions and to such extent as may be prescribed.
- (8) Regulations may require a Strategic Health Authority, in the exercise of any of its functions which relate to section 28C arrangements for the provision of primary medical services, to consult, on such occasions and to such extent as may be prescribed, any committee—
 - (a) which is recognised by a Primary Care Trust under this section for the area where the services are (or are to be) provided under those arrangements; and
 - (b) which is representative of persons providing or performing those services under those arrangements.
- (9) A committee recognised under this section shall have such other functions as may be prescribed.
- (10) A committee recognised under this section shall in respect of each year determine—
 - (a) the amount of its administrative expenses for that year attributable to persons of whom it is representative under subsection (1)(a) or (2)(a); and
 - (b) the amount of its administrative expenses for that year attributable to persons of whom it is representative under subsection (1)(b) or (2)(b).
- (11) A Primary Care Trust or Local Health Board may—

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- (a) on the request of a committee recognised by it, allot to that committee such sums for defraying the expenses referred to in subsection (10)(a) as it may determine; and
 - (b) deduct the amount of such sums from the remuneration of persons of whom it is representative under subsection (1)(a) or (2)(a) under the general medical services contracts, or arrangements under section 38 above, entered into by them with the Trust or Board.
- (12) A committee recognised under this section shall apportion the amount determined by it under subsection (10)(b) among the persons of whom it is representative under subsection (1)(b) or (2)(b); and each such person shall pay in accordance with the committee's directions the amount so apportioned to him.
- (13) References in this section to the administrative expenses of a committee include the travelling and subsistence allowances payable to its members.

45B Local Dental Committees

- (1) A Primary Care Trust may recognise a committee formed for its area, or for its area and that of one or more other Primary Care Trusts, which it is satisfied is representative of—
 - (a) the persons to whom subsection (3) applies; and
 - (b) the persons to whom subsection (4) applies.
- (2) A Local Health Board may recognise a committee formed for its area, or for its area and that of one or more other Local Health Boards, which it is satisfied is representative of—
 - (a) the persons to whom subsection (3) applies; and
 - (b) the persons to whom subsection (4) applies.
- (3) This subsection applies to every dental practitioner who, under a general dental services contract entered into by him, is providing primary dental services in the area for which the committee is formed.
- (4) This subsection applies to every other dental practitioner—
 - (a) who is performing primary dental services in the area for which the committee is formed—
 - (i) under section 16CA(2) above;
 - (ii) in accordance with section 28C arrangements; or
 - (iii) under a general dental services contract; and
 - (b) who has notified the Primary Care Trust that he wishes to be represented by the committee (and has not notified it that he wishes to cease to be so represented).
- (5) A committee recognised under this section shall be called the Local Dental Committee for the area for which it is formed.
- (6) Any such committee may delegate any of its functions, with or without restrictions or conditions, to sub-committees composed of members of that committee.
- (7) Regulations may require a Primary Care Trust or Local Health Board, in the exercise of its functions relating to primary dental services, to consult any

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committee recognised by it under this section on such occasions and to such extent as may be prescribed.

- (8) Regulations may require a Strategic Health Authority, in the exercise of any of its functions which relate to section 28C arrangements for the provision of primary dental services, to consult, on such occasions and to such extent as may be prescribed, any committee—
- (a) which is recognised by a Primary Care Trust under this section for the area where the services are (or are to be) provided under those arrangements; and
 - (b) which is representative of persons providing or performing those services under those arrangements.
- (9) A committee recognised under this section shall have such other functions as may be prescribed.
- (10) A committee recognised under this section shall in respect of each year determine—
- (a) the amount of its administrative expenses for that year attributable to persons of whom it is representative under subsection (1)(a) or (2)(a); and
 - (b) the amount of its administrative expenses for that year attributable to persons of whom it is representative under subsection (1)(b) or (2)(b).
- (11) A Primary Care Trust or Local Health Board may—
- (a) on the request of a committee recognised by it, allot to that committee such sums for defraying the expenses referred to in subsection (10)(a) as it may determine; and
 - (b) deduct the amount of such sums from the remuneration of persons of whom it is representative under subsection (1)(a) or (2)(a) under the general dental services contracts entered into by them with the Trust or Board.
- (12) A committee recognised under this section shall apportion the amount determined by it under subsection (10)(b) among the persons of whom it is representative under subsection (1)(b) or (2)(b); and each such person shall pay in accordance with the committee's directions the amount so apportioned to him.
- (13) References in this section to the administrative expenses of a committee include the travelling and subsistence allowances payable to its members.”

Commencement Information

- I67** Sch. 11 para. 23 partly in force; Sch. 11 para. 23 in force at Royal Assent for certain purposes, see s. 199(1)(4)
- I68** Sch. 11 para. 23 in force at 3.2.2004 for specified purposes for E. by [S.I. 2004/288](#), [art. 2\(1\)\(b\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))
- I69** Sch. 11 para. 23 in force at 28.2.2004 for specified purposes for W. by [S.I. 2004/480](#), [art. 2\(1\)\(b\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- I70** Sch. 11 para. 23 in force at 1.4.2004 for specified purposes for E. by [S.I. 2004/288](#), [art. 5\(2\)\(k\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

Status: Point in time view as at 19/07/2006.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Cross Heading: National Health Service Act 1977 (c. 49). (See end of Document for details)

- I71** Sch. 11 para. 23 in force at 1.4.2004 for specified purposes for W. by [S.I. 2004/480](#), **art. 4(2)(m)** (with arts. 6, 7) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- I72** Sch. 11 para. 23 in force at 1.12.2005 for specified purposes for E. by [S.I. 2005/2925](#), **art. 4(1)(b)**
- I73** Sch. 11 para. 23 in force at 1.4.2006 for E. so far as not already in force by [S.I. 2005/2925](#), **art. 10(2)(b)**

- 24 In section 49N(1)—
- (a) in paragraph (a), for “49F(1)(a) to (e)” substitute “ 49F(1) ”;
 - (b) in paragraph (c), for the words from the beginning to “a services list” substitute “ all lists under section 28X above, or any list corresponding to a list under that section ”.

Commencement Information

- I74** Sch. 11 para. 24(a) in force at 1.4.2004 for E. by [S.I. 2004/288](#), **art. 5(2)(l)** (with arts. 7, 8) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))
- I75** Sch. 11 para. 24(a) in force at 1.4.2004 for W. by [S.I. 2004/480](#), **art. 4(2)(n)** (with arts. 6, 7) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- I76** Sch. 11 para. 24(b) in force at 1.4.2006 for specified purposes for W. by [S.I. 2006/345](#), **art. 6(2)(f)**
- I77** Sch. 11 para. 24(b) in force at 1.4.2006 for E. by [S.I. 2005/2925](#), **art. 10(2)(c)**

- 25 Section 53 (immunisation) shall cease to have effect.

Commencement Information

- I78** Sch. 11 para. 25 in force at 1.4.2004 for W. by [S.I. 2004/480](#), **art. 4(2)(o)** (with arts. 6, 7) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- I79** Sch. 11 para. 25 in force at 1.4.2004 for E. by [S.I. 2004/288](#), **art. 5(2)(m)** (with arts. 7, 8) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

- 26 (1) Section 54 (as substituted by the National Health Service (Primary Care) Act 1997) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), after “1973 or” insert “ (prior to its repeal) section 29 of ”;
 - (b) in paragraph (b), at the end insert “ (prior to the coming into force of section 16CC above) ”;
 - (c) after that paragraph insert “or
 - (c) provided or performed primary medical services in accordance with section 28C arrangements, arrangements under section 16CC(2)(b) above or under a general medical services contract—
 - (i) in prescribed circumstances, or
 - (ii) if regulations so provide, in all circumstances,”.
- (3) In subsection (2), in the definition of “relevant area”—
- (a) after “Primary Care Trust”, in both places, insert “ , Local Health Board ”;
 - (b) after “by arrangement” insert “ or contract ”;
 - (c) for paragraphs (a) and (b) substitute “ provided or performed services as specified in subsection (1) above ”.

Status: Point in time view as at 19/07/2006.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Cross Heading: National Health Service Act 1977 (c. 49). (See end of Document for details)

Commencement Information

- I80** Sch. 11 para. 26 partly in force; Sch. 11 para. 26 in force at Royal Assent for certain purposes, see s. 199(1)(4)
- I81** Sch. 11 para. 26 in force at 11.3.2004 for specified purposes for E. by [S.I. 2004/759](#), [art. 10](#)
- I82** Sch. 11 para. 26 in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(o\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- I83** Sch. 11 para. 26 in force at 1.4.2004 for E. by [S.I. 2004/288](#), [art. 5\(2\)\(m\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

27 (1) Section 72 is amended as follows.

(2) In subsection (5), at the end insert “and

(d) persons providing primary medical services or primary dental services under a general medical services contract or a general dental services contract or in accordance with section 28C arrangements”.

(3) In subsection (6)(a), for “Part II” substitute “ this Act ”.

Commencement Information

- I84** Sch. 11 para. 27 in force at 1.4.2004 for E. by [S.I. 2004/288](#), [art. 5\(2\)\(m\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))
- I85** Sch. 11 para. 27 in force at 1.4.2004 for W. by [S.I. 2004/480](#), [art. 4\(2\)\(o\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

28 In section 77, at the end insert—

“(4) This section does not apply in relation to the provision of any relevant dental service (within the meaning of section 79 below).”

Commencement Information

- I86** Sch. 11 para. 28 in force at 1.4.2006 for specified purposes for W. by [S.I. 2006/345](#), [art. 6\(2\)\(g\)](#)
- I87** Sch. 11 para. 28 in force at 1.4.2006 for E. by [S.I. 2005/2925](#), [art. 10\(2\)\(d\)](#)

29 In section 78(3), for “paragraphs 2 and 5” substitute “ paragraph 2 ”.

Commencement Information

- I88** Sch. 11 para. 29 in force at 1.4.2006 for E. by [S.I. 2005/2925](#), [art. 10\(2\)\(d\)](#)
- I89** Sch. 11 para. 29 in force at 1.4.2006 for specified purposes for W. by [S.I. 2006/345](#), [art. 6\(2\)\(g\)](#)

30 In section 83(a), for “to 79” substitute “ and 78 ”.

Commencement Information

- I90** Sch. 11 para. 30 in force at 1.4.2006 for specified purposes for W. by [S.I. 2006/345](#), [art. 6\(2\)\(g\)](#)
- I91** Sch. 11 para. 30 in force at 1.4.2006 for E. by [S.I. 2005/2925](#), [art. 10\(2\)\(d\)](#)

31 In section 83A(1)(a), for the words from “section 77(1)” to “1997” substitute “ section 77(1), 78(1) or 79 above ”.

Status: Point in time view as at 19/07/2006.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Cross Heading: National Health Service Act 1977 (c. 49). (See end of Document for details)

Commencement Information

I92 Sch. 11 para. 31 in force at 1.4.2006 for specified purposes for W. by [S.I. 2006/345](#), [art. 6\(2\)\(g\)](#)

I93 Sch. 11 para. 31 in force at 1.4.2006 for E. by [S.I. 2005/2925](#), [art. 10\(2\)\(d\)](#)

- 32 In section 85(1)—
- (a) insert “ or ” at the end of paragraph (bbb);
 - (b) omit paragraph (e).

Commencement Information

I94 Sch. 11 para. 32 in force at 1.4.2006 for E. by [S.I. 2005/2925](#), [art. 10\(2\)\(d\)](#)

- 33 (1) Section 98 is amended as follows.
- (2) In subsection (1)—
- (a) insert “ and ” at the end of paragraph (dd);
 - (b) omit paragraph (e) and the preceding “and”.
- (3) In subsection (4)—
- (a) in paragraph (a), omit the words from “, other than” to the end;
 - (b) omit paragraph (b).

Commencement Information

I95 Sch. 11 para. 33 in force at 1.4.2006 for E. by [S.I. 2005/2925](#), [art. 10\(2\)\(d\)](#)

- 34 In section 99(1)—
- (a) insert “ and ” at the end of paragraph (bb);
 - (b) omit paragraph (f) and the preceding “and”.

Commencement Information

I96 Sch. 11 para. 34 in force at 1.4.2006 for E. by [S.I. 2005/2925](#), [art. 10\(2\)\(d\)](#)

- 35 In section 100(1)—
- (a) insert “ and ” at the end of paragraph (b);
 - (b) omit paragraph (e) and the preceding “and”.

Commencement Information

I97 Sch. 11 para. 35 in force at 1.4.2006 for E. by [S.I. 2005/2925](#), [art. 10\(2\)\(d\)](#)

- 36 In section 103(1)(a)—
- (a) after “in respect of” insert “ primary medical services or primary dental services provided by any person under Part 1 of this Act or of ”;
 - (b) omit “or in accordance with section 28C arrangements”.

Status: Point in time view as at 19/07/2006.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Cross Heading: National Health Service Act 1977 (c. 49). (See end of Document for details)

Commencement Information

- I98** Sch. 11 para. 36(a) in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(p) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I99** Sch. 11 para. 36(a) in force at 1.4.2004 for E. by S.I. 2004/288, art. 5(2)(n) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I100** Sch. 11 para. 36(b) in force at 1.4.2006 for E. by S.I. 2005/2925, art. 10(2)(e)
- I101** Sch. 11 para. 36(b) in force at 1.4.2006 for specified purposes for W. by S.I. 2006/345, art. 6(2)(h)

- 37 In section 105(2)(a), for the words from “as part of” to “arrangements” substitute “ in the provision under this Act of primary medical services for that person ”.

Commencement Information

- I102** Sch. 11 para. 37 in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(q) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I103** Sch. 11 para. 37 in force at 1.4.2004 for E. by S.I. 2004/288, art. 5(2)(o) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)

- 38 In section 126(4), after “19A(7) above” insert “, or by section 28E(3A), 28N, 28T or 28U above,”.

Commencement Information

- I104** Sch. 11 para. 38 in force at 3.2.2004 for E. by S.I. 2004/288, art. 2(1)(c) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I105** Sch. 11 para. 38 in force at 28.2.2004 for W. by S.I. 2004/480, art. 2(1)(c) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

- 39 In section 128(1), at the appropriate places in alphabetical order insert—
- ““general dental services contract” has the meaning given by section 28K above;”;
- ““general medical services contract” has the meaning given by section 28Q above;”;
- ““primary dental services” means services which are primary dental services for the purposes of Part 1 (see section 16CA);”;
- ““primary medical services” means services which are primary medical services for the purposes of Part 1 (see section 16CC).”

Commencement Information

- I106** Sch. 11 para. 39 in force at 3.2.2004 for specified purposes for E. by S.I. 2004/288, art. 2(1)(c) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I107** Sch. 11 para. 39 in force at 3.2.2004 for specified purposes for E. by S.I. 2004/288, art. 3(1)(d) (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I108** Sch. 11 para. 39 in force at 28.2.2004 for specified purposes for W. by S.I. 2004/480, art. 2(1)(c) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

Status: Point in time view as at 19/07/2006.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Cross Heading: National Health Service Act 1977 (c. 49). (See end of Document for details)

- I109** Sch. 11 para. 39 in force at 28.2.2004 for specified purposes for W. by S.I. 2004/480, art. 3(1)(c) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I110** Sch. 11 para. 39 in force at 1.12.2005 for E. so far as not already in force by S.I. 2005/2925, art. 5(1)(e)
- I111** Sch. 11 para. 39 in force at 1.12.2005 for specified purposes for E. by S.I. 2005/2925, art. 4(1)(c)
- I112** Sch. 11 para. 39 in force at 15.2.2006 for specified purposes for W. by S.I. 2006/345, art. 2(1)(b)
- I113** Sch. 11 para. 39 in force at 15.2.2006 for W. in so far as not already in force by S.I. 2006/345, art. 3(1)(d)

- 40 (1) In Schedule 7A, paragraph 3 is amended as follows.
- (2) In sub-paragraph (1)—
- (a) after paragraph (f) insert—
- “(fa) persons providing primary medical services or primary dental services under Part 1 of this Act;”.
- (b) in paragraph (g), omit the words from “or under” to “this Act”.
- (3) In sub-paragraph (2), for “(1)(g)” substitute “ (1)(fa), (g) ”.

Commencement Information

- I114** Sch. 11 para. 40 in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(r) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)

- 41 In Schedule 8A, in paragraph 1(5), for the words from “personal medical” to the end substitute “ primary medical services or primary dental services under any provision of, or made under, this Act. ”

Commencement Information

- I115** Sch. 11 para. 41 in force at 1.4.2004 for W. by S.I. 2004/480, art. 4(2)(s) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I116** Sch. 11 para. 41 in force at 1.4.2006 for E. by S.I. 2005/2925, art. 10(2)(f)

- 42 (1) Schedule 9A is amended as follows.
- (2) In paragraph 6, for paragraphs (a) and (b) substitute—
- “(a) health care professional of each description prescribed under section 28X above, provided that each such health care professional appointed is included in a list under that section;”.
- (3) At the end of paragraph 6 insert— “ For the purposes of paragraph (a) above, “health care professional” has the same meaning as in section 28X above. ”
- (4) In paragraph 10—
- (a) after “49N above” insert “ or for the purposes of regulations under section 28X above containing provision corresponding to those sections ”;
- (b) for paragraph (a) substitute—
- “(a) if the practitioner is a health care professional of a description prescribed under section 28X above, one member of the panel must be a health care professional of the same description;

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Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Cross Heading: National Health Service Act 1977 (c. 49). (See end of Document for details)

(aa) if the practitioner is of a description referred to in paragraph 6(c) or (d) above, one member of the panel must be a practitioner of that description; and”.

(5) In paragraph 17(c), at the end insert “ or under any provision of regulations under section 28X above corresponding to that provision ”.

Commencement Information

I117 Sch. 11 para. 42 in force at 1.4.2004 for W. by [S.I. 2004/480](#), **art. 4(2)(t)** (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

I118 Sch. 11 para. 42 in force at 1.4.2004 for E. by [S.I. 2004/288](#), **art. 5(2)(p)** (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

43 In Schedule 10, in paragraph 3, for “general medical services or personal medical services” substitute “ or performed services as specified in section 54(1) ”.

Commencement Information

I119 Sch. 11 para. 43 in force at 1.4.2004 for E. by [S.I. 2004/288](#), **art. 5(2)(p)** (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

I120 Sch. 11 para. 43 in force at 1.4.2004 for W. by [S.I. 2004/480](#), **art. 4(2)(t)** (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

44 In Schedule 12, in paragraph 1(1)(b), for “accordance with section 28C arrangements or “” substitute “ the provision of primary medical services under Part 1 or in accordance with ”.

Commencement Information

I121 Sch. 11 para. 44 in force at 1.4.2004 for W. by [S.I. 2004/480](#), **art. 4(2)(t)** (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

I122 Sch. 11 para. 44 in force at 1.4.2004 for E. by [S.I. 2004/288](#), **art. 5(2)(p)** (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

45 In Schedule 12A, insert “ or ” after paragraphs 1(2)(b), 2(2)(a), 4(2)(aa), 5(2)(a), 6A(2)(b) and 6B(2)(a).

Commencement Information

I123 Sch. 11 para. 45 in force at 1.4.2004 for specified purposes for W. by [S.I. 2004/480](#), **art. 4(2)(u)** (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

I124 Sch. 11 para. 45 in force at 1.4.2004 for specified purposes for E. by [S.I. 2004/288](#), **art. 5(2)(q)** (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#))

I125 Sch. 11 para. 45 in force at 1.4.2006 for specified purposes for W. by [S.I. 2006/345](#), **art. 6(2)(i)**

Status:

Point in time view as at 19/07/2006.

Changes to legislation:

There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Cross Heading: National Health Service Act 1977 (c. 49).