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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 58 (C. 1 )**

**NATIONAL HEALTH SERVICE**

**The National Health Service (Primary Care) Act  
1997 (Commencement No. 7) (Scotland) Order 2001**

*Made - - - - 2nd March 2001*

The Scottish Ministers, in exercise of the powers conferred by section 41(3) of the National Health Service (Primary Care) Act 1997<sup>(1)</sup> being satisfied, having regard in particular to reviews of pilot schemes which have been conducted under section 7 of that Act, that it would be in the interests of any part of the health service in accordance with section 21(3) of that Act, and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation, interpretation and extent**

1.—(1) This Order may be cited as the National Health Service (Primary Care) Act 1997 (Commencement No. 7) (Scotland) Order 2001.

(2) In this Order “the 1997 Act” means the National Health Service (Primary Care) Act 1997.

(3) This Order extends to Scotland only.

**Appointed day**

2. 5th March 2001 is the day appointed for the coming into force of sections 21(2) and (3), 22(2) and 25(2) of the 1997 Act, as they relate to personal medical services, and of paragraphs 34 and 56 and of paragraph 57 (for the purpose only of inserting the definition of “personal medical services”) of Schedule 2 to the 1997 Act (minor and consequential amendments).

**Revocation**

3.—(1) In article 3 of the National Health Service (Primary Care) Act 1997 (Commencement No. 4) Order 1998<sup>(2)</sup> (references to certain terms), in paragraph (2) the words “or to arrangements made under section 17C of the 1978 Act” are hereby revoked.

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(1) 1997 c. 46. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) S.I. 1998/631 amended by S.S.I. 1998/1998.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(2) In article 3 of the National Health Service (Primary Care) Act 1997 (Commencement No. 5) Order 1998<sup>(3)</sup> (references to certain terms), in paragraph (2) the words “or to arrangements made under section 17C of the 1978 Act” are hereby revoked.

St Andrew’s House, Edinburgh  
2nd March 2001

*SUSAN C DEACON*  
A member of the Scottish Executive

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<sup>(3)</sup> S.I. 1998/1998

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order which extends to Scotland only, brings into force certain provisions of the National Health Service (Primary Care) Act 1997 (“the 1997 Act”).

Article 2 of the Order appoints 5th March 2001 for the coming into force of sections 21(2) and (3), 22(2) and 25(2) of the 1997 Act, but only as those sections apply to personal medical services. Section 21(2) inserts new sub sections 17C and 17D into the National Health Service (Scotland) Act 1978 (“the 1978 Act”). These sections allow for arrangements to be made between specified bodies for the provision of personal medical services. Section 22(2) inserts a new sub section 17E into the 1978 Act. This section provides for regulations to be made concerning arrangements under section 17C. Section 25(2) inserts a new section 24A into the 1978 Act. This section provides power to make regulations concerning deputising by one type of medical practitioner for another.

Article 2 of the Order also brings into force on 5th March 2001 paragraphs 34, 56 and part of 57 of Schedule 2 to the 1997 Act, which make minor consequential amendments to the 1978 Act relating to arrangements under section 17C of the 1978 Act.

The National Health Service (Primary Care) Act 1997 (Commencement No. 4) Order 1998 (S.I. 1998/631) and the National Health Service (Primary Care) Act 1997 (Commencement No. 5) Order 1998 (S.I. 1998/1998) restricted the interpretation of references to section 17C in enactments as references to pilot schemes. Article 3 of this Order removes this restrictive interpretation in the light of the insertion of section 17C itself into the 1978 Act.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the 1997 Act have been brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
s.1	28.11.97	1997/2620
s.2	28.11.97	1997/2620
s.3	14.8.98	1998/1998
s.4 (partially)	22.8.97	1997/1780
(remainder)	30.10.97	1997/2620
s.5 (partially)	28.11.97	1997/2620
(remainder)	1.4.98	1998/631
s.6 (partially)	28.11.97	1997/2620
(remainder)	1.4.98	1998/631
s.7 (partially)	1.4.98	1998/631

(1) A limitation on the purposes for which these paragraphs were brought into force was removed by article 3(3) of S.I. 1998/1998.