

*Changes to legislation: Health and Social Care Act 2012, PART 4 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## SCHEDULES

### SCHEDULE 4

#### AMENDMENTS OF THE NATIONAL HEALTH SERVICE ACT 2006

#### PART 4

##### MEDICAL SERVICES

- 30 (1) Section 83 (duty relating to primary medical services) is amended as follows.
- (2) For subsections (1) and (2) substitute—
- “(1) The Board must, to the extent that it considers necessary to meet all reasonable requirements, exercise its powers so as to secure the provision of primary medical services throughout England.
- (2) The Board may (in addition to any other power conferred on it) make such arrangements for the provision of primary medical services as it considers appropriate; and it may, in particular, make contractual arrangements with any person.
- (2A) Arrangements made for the purposes of subsection (1) or (2) may include arrangements for the performance of a service outside England.”
- (3) In subsection (3) of that section, for “Each Primary Care Trust” substitute “The Board”.
- (4) Omit subsection (4).
- (5) For the cross-heading preceding that section substitute “Duty of the Board in relation to primary medical services”.

#### Commencement Information

**II** Sch. 4 para. 30 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 31 (1) Section 84 (general medical services contracts: introductory) is amended as follows.
- (2) In subsection (1), for “A Primary Care Trust” substitute “The Board”.
- (3) In subsections (3) and (5), for “the Primary Care Trust” substitute “the Board”.
- (4) In subsection (4), for paragraph (b) substitute—
- “(b) services to be performed outside England.”

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**Commencement Information**

**I2** Sch. 4 para. 31 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 32 In section 86 (persons eligible to enter into general medical services contracts), in subsection (1), for “A Primary Care Trust” substitute “The Board”.

**Commencement Information**

**I3** Sch. 4 para. 32 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 33 In section 87 (general medical services contracts: payments), in subsection (3)(d), for “a Primary Care Trust” substitute “the Board”.

**Commencement Information**

**I4** Sch. 4 para. 33 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 34 (1) In section 89 (general medical services contracts: required terms), in subsection (4)(a), for “a Primary Care Trust” substitute “the Board”.
- (2) The variations to contract terms that may be imposed by virtue of subsection (2)(d) of that section include, in particular, variations in consequence of the establishment of clinical commissioning groups.

**Commencement Information**

**I5** Sch. 4 para. 34 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 35 (1) Section 91 (persons performing primary medical services) is amended as follows.
- (2) In the following provisions, for “a Primary Care Trust” substitute “the Board”—
- (a) subsection (1), in each place it occurs,
  - (b) subsection (3)(j),
  - (c) subsection (4)(a), (b) and (d), and
  - (d) subsection (6)(a) and (b).
- (3) In subsection (2), for paragraph (b) substitute—
- “(b) the Board is responsible for a medical service if it secures its provision by or under any enactment.”
- (4) In subsection (3), in paragraph (c), omit the words from “as to” to “, and”.

**Commencement Information**

**I6** Sch. 4 para. 35 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 36 (1) Section 92 (arrangements by Strategic Health Authorities for the provision of primary medical services) is amended as follows.
- (2) For subsection (1) substitute—

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“(1) The Board may make agreements, other than arrangements pursuant to section 83(2) or general medical services contracts, under which primary medical services are provided.”

- (3) Omit subsection (6).
- (4) Omit subsection (7).
- (5) For the title to that section substitute “Arrangements by the Board for the provision of primary medical services”.
- (6) The provision which may be made by virtue of section 304(10)(a) of this Act in an order under section 306 of this Act providing for the commencement of this paragraph includes, in particular, provision enabling the National Health Service Commissioning Board to direct Primary Care Trusts to exercise its functions under section 92 pending the commencement of section 34 of this Act.

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**Commencement Information**

- I7** Sch. 4 para. 36 partly in force; Sch. 4 para. 36 in force for specified purposes at Royal Assent, see s. 306(1)(d)
- I8** Sch. 4 para. 36 in force at 1.4.2013 in so far as not already in force by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 37 (1) Section 93 (participants in section 92 arrangements) is amended as follows.
- (2) In subsection (1)—
    - (a) for “A Strategic Health Authority” substitute “The Board”, and
    - (b) omit paragraph (g).
  - (3) In subsection (3), in the definition of “NHS employee”, in paragraph (b), omit “Primary Care Trust or”.
  - (4) In that subsection, in the definition of “qualifying body”, for “(e) or (g)” substitute “or (e)”.

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**Commencement Information**

- I9** Sch. 4 para. 37 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 38 (1) Section 94 (regulations about section 92 arrangements) is amended as follows.
- (2) In subsection (2), for “Strategic Health Authorities” substitute “the Board”.
  - (3) In subsection (3), after paragraph (c) insert—
    - “(ca) make provision with respect to the performance outside England of services to be provided in accordance with section 92 arrangements.”
  - (4) In subsection (6), for “a Primary Care Trust” substitute “the Board”.
  - (5) The variations of arrangements which may be imposed by virtue of subsection (3) (f) include, in particular, variations in consequence of the establishment of clinical commissioning groups.

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**I10** Sch. 4 para. 38 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

39 Omit section 95 (transfer of liabilities relating to section 92 arrangements).

**Commencement Information**

**I11** Sch. 4 para. 39 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

40 (1) Section 96 (assistance and support) is amended as follows.

(2) In subsection (1)—

- (a) for “A Primary Care Trust” substitute “The Board”, and
- (b) before paragraph (a) insert—

“(za) primary medical services pursuant to section 83(2),”.

(3) In subsection (2)—

- (a) for “a Primary Care Trust” substitute “the Board”, and
- (b) for “the Primary Care Trust” substitute “the Board”.

**Commencement Information**

**I12** Sch. 4 para. 40 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

41 (1) Section 97 (Local Medical Committees) is amended as follows.

(2) In subsection (1), for the words from the beginning to “other Primary Care Trusts” substitute “The Board may recognise a committee formed for an area”.

(3) In subsection (3)—

- (a) in paragraph (a), omit sub-paragraph (i), and
- (b) in paragraph (b), for “the Primary Care Trust” substitute “the Board”.

(4) In subsection (6), for “a Primary Care Trust” substitute “the Board”.

(5) Omit subsection (7).

(6) In subsection (10)—

- (a) for “A Primary Care Trust” substitute “The Board”, and
- (b) in paragraphs (a) and (b), for “the Primary Care Trust” substitute “the Board”.

**Commencement Information**

**I13** Sch. 4 para. 41 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 9 Ch. 1B inserted by [2022 c. 31 s. 96](#)
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by [S.I. 2019/1245 reg. 28](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 250(2)-(2B) substituted for s. 250(2) by [2022 c. 31 s. 95\(2\)\(a\)](#)
- s. 250(6)-(6D) substituted for s. 250(6) by [2022 c. 31 s. 95\(2\)\(d\)](#)
- s. 251251ZA substituted for s. 251 by [2022 c. 31 s. 95\(3\)](#)
- s. 251C(6A) inserted by [2022 c. 31 s. 95\(4\)\(a\)](#)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by [2022 c. 31 s. 98\(b\)](#)
- s. 259(1)(aa) words substituted by [S.I. 2023/98 Sch. para. 17\(11\)\(a\)\(iii\)](#) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by [2022 c. 31 s. 98\(h\)](#)
- s. 304(5)(ja) inserted by [2022 c. 31 s. 95\(5\)](#)