

## SCHEDULE 12

### PART 3

#### **Transitional provisions relating to the Family Health Services Appeal Authority (Primary Care Act) Regulations 2001**

##### **Interpretation**

**30.** In this Part—

“FHSAA” means the Family Health Services Appeal Authority constituted under section 49S of the National Health Service Act 1977(1);

“medical list” means a list prepared in accordance with regulations made under section 29(2)(a) of the National Health Service Act 1977(2); and

“the 2001 Regulations” means the Family Health Services Appeal Authority (Primary Care Act) Regulations 2001(3).

##### **Representations made to the FHSAA before the relevant date**

**31.** Paragraph 32 applies where a Health Authority has made representations to the FHSAA under paragraph 3 of Schedule 1 to the 1997 Act before the relevant date but the FHSAA has not finally dealt with the representations in accordance with the 2001 Regulations before that date.

**32.** Where this paragraph applies, the representations shall be deemed to have been made by—

(a) the Primary Care Trust in whose medical list the practitioner’s name would have been included pursuant to Part 1 of this Schedule if he had been included in the Health Authority’s list immediately before the relevant date; or

(b) where under paragraph (a), there is more than one such medical list pursuant to Part 1 of this Schedule, those Primary Care Trusts in whose lists that practitioner’s name would have been included shall determine amongst themselves which one or more of them shall be deemed to have made representations under the 2001 Regulations,

and any acts done by the Health Authority in relation to the representations shall be deemed to have been done by or in relation to that Primary Care Trust, or those Primary Care Trusts (as the case may be).

##### **Directions made by the FHSAA before the relevant date**

**33.** Where, before the relevant date, the FHSAA has made a direction under regulation 13(3)(c) of the 2001 Regulations in accordance with paragraph 4(1)(a) of Schedule 1 to the 1997 Act and—

(a) that direction was made pursuant to representations made by a Health Authority; and

(b) that direction has not been terminated pursuant to paragraph 5 of Schedule 1 of the 1997 Act before the relevant date,

that direction shall, subject to paragraph 34, be deemed to be a direction in respect of the medical list of the Primary Care Trust in whose medical list the practitioner’s name would have been included pursuant to Part 1 of this Schedule if the practitioner’s name had, immediately before the relevant

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(1) Section 49S was inserted into the National Health Service Act 1977 (c. 49) by the Health and Social Care Act 2001, section 27(1).

(2) 1977 c. 49.

(3) S.I. 2001/3743.

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date, been included in the medical list of the Health Authority that originally made the representations to the FHSAA.

**34.** Where, under paragraph 33, there is more than one such medical list pursuant to Part 1 of this Schedule, the FHSAA shall determine which one or more of the Primary Care Trusts shall be deemed to be subject to the FHSAA direction.

**35.** If the FHSAA has made any direction under paragraph 4(1)(b) or (3) of Schedule 1 to the 1997 Act before the relevant date—

- (a) that direction shall also apply to Primary Care Trusts; and
- (b) if there is any dispute as to whether a direction applies to a particular Primary Care Trust, the FHSAA shall determine whether that direction applies to that Primary Care Trust.

**General matters relating to the transitional arrangements applying to the 2001 Regulations**

**36.** If there is any dispute in relation to which Primary Care Trust shall be nominated pursuant to paragraph 32(b), the FHSAA shall resolve that dispute by designating a Primary Care Trust to be the Primary Care Trust that is deemed to have made the representations to the FHSAA.

**37.** Where a Strategic Health Authority holds any information that would assist a Primary Care Trust in making any determination, representations or nomination under paragraphs 31 to 36, the Strategic Health Authority shall provide the Primary Care Trust with that information.