SCOTTISH STATUTORY INSTRUMENTS

2005 No. 336

NATIONAL HEALTH SERVICE

The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Amendment Regulations 2005

Made - - - -	*8th June 2005*
Laid before the Scottish Parliament - - - -	*9th June 2005*
Coming into force - -	*1st July 2005*

The Scottish Ministers, in exercise of the powers conferred by sections 17E, 105(7), 106(a) and 108(1) of the National Health Service (Scotland) Act 1978(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Amendment Regulations 2005 and shall come into force on 1st July 2005.

(2) In these Regulations–

"the principal Regulations" means the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004(**2**); and

"the Act" means the National Health Service (Scotland) Act 1978.

Amendment of regulation 2 of the principal Regulations

2.—(1) Regulation 2 (interpretation)(**3**) of the principal Regulations is amended as follows.

(2) In the definition of "general medical practitioner"–

(**1**) 1978 c. 29; section 17E was inserted by the National Health Service (Primary Care) Act 1997 (c. 46), section 22(2) and amended by the Health Act 1999 (c. 8) ("the 1999 Act"), Schedule 4, paragraph 47 and the Primary Medical Services (Scotland) Act 2004 (asp 1), section 2(4); section 105(7), which contains provisions relevant to the making of regulations, was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 5 and Schedule 7 and by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24 and the 1999 Act, Schedule 4, paragraph 60; section 108(1) contains definitions of "prescribed" and "regulations" relevant to the exercise of the statutory powers under which these Regulations are made. 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.S.I. 2004/116; the relevant amending instrument is S.S.I. 2004/217.

(**3**) Regulation 2 was amended by S.S.I. 2004/217.

(a) in sub-paragraph (a), omit "otherwise than by virtue of paragraph 1(d) of Schedule 6 to that Order";

(b) in sub-paragraph (b)(i) before "; or" insert "or a person who has an acquired right to practise as a general medical practitioner pursuant to regulation 5(1)(d) of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994(**4**)"; and

(c) in sub-paragraph (b)(ii) omit "other than by virtue of having an acquired right under paragraph 1(d) of Schedule 6 to the 2003 Order".

(3) For the definition of "GP Registrar", substitute–

""GP Registrar" means a medical practitioner who is being trained in general practice by–

(a) until the coming into force for all purposes of article 4(5)(d) of the 2003 Order, a general medical practitioner who–

(i) has been approved for that purpose by the Joint Committee on Postgraduate Training for General Practice under regulation 7 of the National Health Service (Vocational Training for General Medical Practice) (Scotland) Regulations 1998(**5**); and

(ii) performs primary medical services; and

(b) from the coming into force for all purposes of that article, a general medical practitioner who is approved under that article for the purpose of providing training under article 5(1)(c)(i) of the 2003 Order, whether as part of training leading to the award of a CCT or otherwise;".

(4) Omit the definition of "GP Trainer".

(5) In the definition of "supplementary prescriber"–

(i) in sub-paragraph (b)(ii) omit "or"; and

(ii) at the end of sub-paragraph (b)(iii) for "and" in the second place where it occurs substitute–

"or

(iv) the part of the register maintained by the Health Professions Council in pursuance of article 5 of the Health Professions Order 2001(**6**) relating to–

(aa) chiropodists and podiatrists;

(bb) physiotherapists; or

(cc) radiographers: diagnostic or therapeutic, and".

Amendment of Schedule 1 to the principal Regulations

3.—(1) Schedule 1 (content of agreements) to the principal Regulations is amended as follows.

(2) After paragraph 1 (premises), insert–

"**Telephone services**

1A.—(1) The provider shall not be a party to any contract or other arrangement under which the number for telephone services to be used–

(a) by patients to contact the practice for any purpose related to the agreement; or

(**4**) S.I.1994/3130; regulation 5 was amended by S.I. 1998/669 and modified by S.S.I. 2004/163. The whole Regulations are prospectively revoked by S.I. 2003/1250.
(**5**) S.I. 1998/5; the relevant amending instrument is S.I. 1998/669. The whole Regulations are prospectively revoked by S.I. 2003/1250.
(**6**) S.I. 2002/254.

(b) by any other person to contact the practice in relation to services provided as part of the health service,

starts with the digits 087, 090 or 091 or consists of a personal number, unless the service is provided free to the caller.

(2) In this paragraph, "personal number" means a telephone number which starts with the number 070 followed by a further 8 digits.".

(3) In paragraph 13 (restrictions on prescribing by supplementary prescribers) omit sub paragraphs (2)(b), (4)(c) and (f) and (6).

(4) In paragraph 17(2) (qualifications of performers)–

(a) for paragraph (c) substitute–

"(c) a GP Registrar who has applied to the Health Board to have the GP Registrar's name included in the primary medical services performers list of the Health Board, until the first of the following events arises:–

(i) the Health Board notifies the GP Registrar of the Board's decision on that application;

(ii) the end of a period of 2 months, starting with the date on which the GP Registrar's vocational training scheme begins."; and

(b) at the end insert–

"(3) In this paragraph, "vocational training scheme" has the meaning given in regulation 2 (interpretation) of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004(**7**).".

(5) In paragraph 27 (arrangements for GP registrars) in sub-paragraph (1) omit "for the purpose of being trained by a GP Trainer with the agreement of the Scottish Ministers and".

(6) In paragraph 36 (provision of information), at the end insert–

"(3) The provider shall produce the information requested, or as the case may be, allow access to it–

(a) by such date as has been agreed as reasonable between the provider and the Health Board; or

(b) in the absence of such agreement, within 28 days of the request being made.".

(7) In paragraph 39 (annual return and review)–

(a) after sub-paragraph (1), insert–

"(1A) One such return may be requested by the Health Board at any time during each financial year in relation to such period (not including any period covered by a previous annual return) as may be specified in the request.

(1B) The provider shall submit the completed return to the Health Board–

(a) by such date as has been agreed as reasonable between the provider and the Health Board; or

(b) in the absence of such agreement, within 28 days of the request being made."; and

(b) at the end insert–

"(6) In this paragraph, "financial year" means the twelve months ending with 31st March.".

(**7**) S.S.I. 2004/114.