
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 85

NATIONAL HEALTH SERVICE

The National Health Service (Choice of Medical Practitioner) (Scotland) Amendment Regulations 2001

<i>Made</i>	- - - -	<i>8th March 2001</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>9th March 2001</i>
<i>Coming into force</i>	- -	<i>1st April 2001</i>

The Scottish Ministers, in exercise of the powers conferred by sections 17F(1), (2) and (5), 105(7) 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 (Choice of Medical Practitioner) (Scotland) Amendment Regulations 2001 and shall come into force on 1st April 2001.

(2) In these Regulations “the principal Regulations” means the National Health Service (Choice of Medical Practitioner) (Scotland) Regulations 1998(2).

Amendment of regulation 1 of the principal Regulations

2.—(1) Regulation 1 of the principal Regulations (citation, commencement and interpretation) is amended in accordance with the following provisions of this regulation.

(2) In paragraph (2)(a)–

(a) for the definition of “doctor’s list” there is substituted–

““doctor’s list” means a list of doctor’s patients kept by a Health Board or primary care NHS trust–

(1) 1978 c. 29. Section 17F was inserted by section 23(2) of the National Health Service (Primary Care) Act 1997 (c. 46); section 105(7) 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 Adjudication Act 1983 (c. 41), Schedule 9, paragraph 24; 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.I. 1998/659, amended by S.S.I. 2000/191.

- (i) in respect of a doctor providing general medical services, in accordance with regulation 27 of the GMS Regulations⁽³⁾, and
 - (ii) in respect of a doctor performing personal medical services under a pilot scheme agreement, in accordance with paragraph 3 of the Directions to Health Boards Concerning Patient Lists (Personal Medical Services) made under section 6(1) of the 1997 Act, and
 - (iii) in respect of a doctor performing personal medical services under a PMS agreement, in accordance with regulation 10 of the PMS Regulations;”.
- (b) after the definition of “pilot scheme agreement” there is inserted–
- ““PMS agreement” means an agreement made pursuant to section 17C of the 1978 Act under which personal medical services are provided;
 - “PMS provider” means any person or body with whom a Health Board enters into a PMS agreement;
 - “the PMS Regulations” means the National Health Service (Personal Medical Services) (Scotland) Regulations 2001⁽⁴⁾;

Amendment of regulation 2 of the principal Regulations

3.—(1) Regulation 2 of the principal Regulations (procedure for choosing a doctor) is amended in accordance with the following provision of this regulation.

- (2) In paragraph (1), after “pilot scheme agreement(b)” there is inserted “or PMS agreement”.

Amendment of regulation 3 of the principal Regulations

4.—(1) Regulation 3 of the principal Regulations (change of doctor) is amended in accordance with the following provision of this regulation.

- (2) In paragraph (3) after “pilot scheme agreement” in each place where it occurs there is inserted “or PMS agreement”.

Amendment of regulation 4 of the principal Regulations

5.—(1) Regulation 4 of the principal Regulations (assignment of persons to doctors) is amended in accordance with the following provisions of this regulation.

- (2) At the end of paragraph (2)(b) there is added “; or”.
- (3) After paragraph (2)(b) there is inserted–
- “(c) require a PMS provider to assign the applicant in accordance with regulation 5 to a doctor who performs personal medical services in connection with a PMS agreement to which the PMS provider is a party.”.
- (4) In paragraphs (3), (5) and (7) after “pilot scheme provider” in each place where it occurs there is inserted “or PMS provider”.
- (5) In paragraph (6)(b) after “a pilot scheme agreement” there is added “or a PMS agreement”.
- (6) At the end of paragraph (7)(b) there is added “; or”.
- (7) After paragraph (7)(b) there is inserted–

⁽³⁾ S.I. 1995/416; relevant amending instruments are S.I. 1998/660 and S.S.I. 1999/54.

⁽⁴⁾ S.S.I. 2001/72