SCOTTISH STATUTORY INSTRUMENTS

2000 No. 191

NATIONAL HEALTH SERVICE

The National Health Service (Choice of Medical Practitioner) (Scotland) Amendment Regulations 2000

Made - - - -	*14th June 2000*
Laid before the Scottish Parliament - - - -	*15th June 2000*
Coming into force - -	*6th July 2000*

The Scottish Ministers, in exercise of the powers conferred upon them by sections 17F(1), (2) and (5), 19, 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 2000 and shall come into force on 6th July 2000.

(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 as follows.

(2) In paragraph (2)(a)–

(a) in the definition of "doctor's list" after the words "Health Board" there is inserted "or primary care NHS trust";

(b) after the definition of "pooled list" there is inserted–

(**1**) 1978 c. 29. Section 17F was inserted by section 23(2) of the National Health Service (Primary Care) Act 1997 (c. 46); section 19 was amended by the Health Services Act 1980 (c. 53) ("the 1980 Act"), section 7, by the Health and Social Services and Social Security Adjudication Act 1983 (c. 41) ("the 1983 Act"), Schedule 7, paragraph 2, by the Medical Act 1983 (c. 54), Schedule 5, paragraph 17(a) and by the National Health Service and Community Care Act 1990 (c. 19), section 37 and is to be read with the Health and Medicines Act 1988 (c. 49), section 17; section 105(7) was amended by the 1980 Act, Schedule 6, paragraph 5 and Schedule 7 and by the 1983 Act, Schedule 9, paragraph 24; and by the Health Act 1999 (c. 8), Schedule 4, paragraph 60; section 108(1) contains definitions of "prescribed" and "regulations" relevant to the exercise of the functions 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.

""primary care NHS trust" means an NHS trust to which certain functions referred to in section 12AA of the 1978 Act are delegated by the Health Board;"(**3**).

Amendment of regulation 3 of the principal Regulations

3.—(1) Regulation 3 of the principal Regulations (change of doctor) is amended as follows.

(2) In paragraphs (2), (3) and (4) after the words "Health Board" in the each place where they occur there is inserted "or primary care NHS trust".

Amendment of regulation 4 of the principal regulations

4.—(1) Regulation 4 of the principal Regulations (assignment of persons to doctors) is amended as follows.

(2) In paragraphs (1), (2), (5), (7), (8) and (9) after the words "Health Board" in each place where they occur there is inserted "or primary care NHS trust".

(3) In paragraph (3)–

(a) after the words "Health Board" in the first place where they occur there is inserted "or primary care NHS trust";

(b) in sub paragraph (b) after the words "Health Board" there is inserted "or primary care NHS trust" and at the end the word "and" is deleted;

(c) after sub paragraph (b) there is inserted–

"(bb) whether the person's name has been removed from the doctor's list of any doctor at the request of that doctor or, as the case may be, a pilot scheme provider because–

(i) he has committed an act of violence against the doctor or has behaved in such a way that the doctor has feared for his safety; and

(ii) the doctor has reported the incident to the police or the Procurator Fiscal;

and, if so, which doctor or as the case may be, which pilot scheme provider, has the most appropriate facilities to deal with such a patient; and"; and

(d) in sub-paragraph (c) after the words "Health Board" there is inserted "or primary care NHS trust".

Amendment of regulation 5 of the principal Regulations

5.—(1) Regulation 5 of the principal Regulations (assignment by a pilot scheme provider) is amended as follows.

(2) In paragraphs (1) and (6) after the words "Health Board" in both places where they occur there is inserted "or primary care NHS trust".

(3) At the end of paragraph (2)(b), the word "and" is deleted;

(4) After paragraph (2)(b), there is inserted–

"(bb) whether the person's name has been removed from the doctor's list of any doctor at the request of that doctor or, as the case may be, a pilot scheme provider because–

(i) he has committed an act of violence against the doctor or has behaved in such a way that the doctor has feared for his safety; and

(ii) the doctor has reported the incident to the police or the Procurator Fiscal;

(**3**) Section 12AA was inserted into the National Health Service (Scotland) Act 1978 (c. 29) by the Health Act 1999 (c. 8) section 47.