SCOTTISH STATUTORY INSTRUMENTS

# 1999 No. 54

# NATIONAL HEALTH SERVICE

## The National Health Service (General Medical Services) (Scotland) Amendment (No.4) Regulations 1999

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| *Made - - - -* | *7th September 1999* |
| *Laid before the Scottish Parliament - - - -* | *10th September 1999* |
| *Coming into force - -* | *1st October 1999* |

The Scottish Ministers, in exercise of the powers conferred on them by sections 2(5), 19, 24, 28(1), 34, 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 (General Medical Services) (Scotland) Amendment (No.4) Regulations 1999 and shall come into force on 1st October 1999.

(2) In these Regulations "the principal Regulations" means the National Health Service (General Medical Services) (Scotland) Regulations 1995(**2**).

### General amendment of the principal Regulations

**2.** In the following regulations, after the word "Board" in each place where it occurs there is inserted "or primary care NHS trust"–

regulation 5 (amendment of or withdrawal from the medical list);

regulation 7 (removal from the medical list of names of doctors not providing services)(**3**);

(**1**) 1978 c. 29; 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 Adjudications Act 1983 (c. 41) ("the 1983 Act"), Schedule 7, paragraph 2, by the Medical Act 1983 (c. 54), Schedule 5, paragraph 17(a), by the National Health Service and Community Care Act 1990 (c. 19), section 37 and by the Medical (Professional Performance) Act 1995 (c. 51), Schedule, paragraph 29(a) and is to be read with the Health and Medicines Act 1988 (c. 49), section 17; section 105(7) which contains provisions relevant to the making of Regulations, was amended by the 1980 Act, Schedule 6, paragraph 5 and Schedule 7, 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 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.1995/416; relevant amending instruments are 1995/3199, 1996/842 and 1504, 1997/943, 1998/660 and 1600 and 1999/1057 and 1620.

(**3**) Regulation 7 was amended by S.I.1995/3199.

regulation 8 (removal from the medical list on grounds of age);

regulation 9 (application for inclusion in the medical list);

regulation 14 (determination of applications);

regulation 17 (appeal to Scottish Ministers);

regulation 23 (change of doctor);

regulation 24 (temporary provision of general medical services)(**4**);

regulation 27 (doctor's lists)(**5**);

regulation 29 (obtaining child health surveillance services);

regulation 30 (contraceptive services);

regulation 31 (obtaining maternity medical services)(**6**);

regulation 33 (obtaining minor surgery services);

regulation 34 (arrangements for supply by doctors of drugs and appliances);

regulation 36 (claims and overpayments);

regulation 37 (publication of particulars);

regulation 38 (guidance to doctors).

**Amendment of regulation 2 of the principal Regulations**

**3.** In regulation 2 of the principal Regulations (interpretation), after the definition of "practice premises" there is inserted–

> ""primary care NHS trust" means an NHS trust to which certain functions referred to in section 12AA of the Act are delegated by the Board;"(**7**).

**Amendment of regulation 4 of the principal Regulations**

**4.**—(1) Regulation 4 of the principal Regulations (medical list) is amended in accordance with this regulation.

(2) In paragraphs (1), (3) and 5(d) after the word "Board" in each place where it occurs there is inserted "or primary care NHS trust".

(3) In paragraph (6)(h)–

(a) after the word "Board" there is inserted "or primary care NHS trust";

(b) for the words "that part of its area" there is substituted "the appropriate part of the Board's area".

**Amendment of regulation 6 of the principal Regulations**

**5.** In regulation 6 of the principal Regulations (local directory of family doctors)(**8**)–

(a) in paragraphs (1), (2), (3), (4), (8) and (9) after the word "Board" in each place where it occurs there is inserted "or primary care NHS trust";

(b) in paragraph (7) after the word "Board" in the first and third places where that word occurs there is inserted "or primary care NHS trust".

(**4**) Regulation 24 was amended by S.I.1995/3199 and 1998/660.
(**5**) Regulation 27 was amended by S.I.1998/660.
(**6**) Regulation 31 was substituted by S.I.1997/943.
(**7**) Section 12AA was inserted into the National Health Service (Scotland) Act 1978 (c. 29) by the Health Act 1999 (c. 8), section 47.
(**8**) Regulation 6 was amended by S.I.1997/943.

**Amendment of regulation 10 of the principal Regulations**

**6.** In regulation 10 of the principal Regulations (reports by Board to Medical Practices Committee)–

(a) in the heading after the word "Board" there is inserted "or primary care NHS trust";

(b) in paragraph (1) after the word "Board" in the first place where it occurs there is inserted "or primary care NHS trust";

(c) in paragraphs (2) and (3) after the word "Board" in each place where it occurs there is inserted "or primary care NHS trust".

**Amendment of regulation 11 of the principal Regulations**

**7.** In regulation 11 of the principal Regulations (succession to vacant medical practices)–

(a) in paragraphs (1), (2), (3), (4), (5), (6) and (7) after the word "Board" in each place where it occurs there is inserted "or primary care NHS trust";

(b) in paragraph (8) after the word "Board" in the first place where it occurs there is inserted "or primary care NHS trust".

**Amendment of regulation 12 of the principal Regulations**

**8.** In regulation 12 of the principal Regulations (exchange of practices)–

(a) in paragraph (1) after the word "Board" in the first, second and fourth places where it occurs there is inserted "or primary care NHS trust";

(b) in paragraphs (2), (3), (5) and (6) after the word "Board" in each place where it occurs there is inserted "or primary care NHS trust".

**Amendment of regulation 16 of the principal Regulations**

**9.** In regulation 16 of the principal Regulations (variation of conditions) in paragraphs (2), (3), (4), (7)(a) and 7(c) after the word "Board" in each place where it occurs there is inserted "or primary care NHS trust".

**Amendment of regulation 21 of the principal Regulations**

**10.** In regulation 21 of the principal Regulations (limitation of number of persons in doctor's list)–

(a) in paragraphs (1), (2), (4), (5), (7), (8), (9), (10) and (12) after the word "Board" in each place where it occurs there is inserted "or primary care NHS trust";

(b) in paragraph (11)–

(i) after the word "Board" in the first and second places where it occurs there is inserted "or primary care NHS trust";

(ii) after the word "Boards" there is inserted "or primary care NHS trusts";

(iii) the words "of any adjoining area" are omitted.

**Amendment of regulation 22 of the principal Regulations**

**11.** In regulation 22 of the principal Regulations (change of doctor)(**9**)–

(**9**) Regulation 22 was amended by S.I.1998/660.

(a) in paragraphs (8) and (9) after the word "Board" in each place where it occurs there is inserted "or primary care NHS trust";

(b) in paragraph (8) after the word "Board's" there is inserted "or primary care NHS trust's".

**Amendment of regulation 25 of the principal Regulations**

**12.** In regulation 25 of the principal Regulations (removal of person from doctor's list)–

(a) in paragraphs (1), (3), (4), (5) and (6) after the word "Board" in each place where it occurs there is inserted "or primary care NHS trust";

(b) in paragraph (2) after the word "Board" in the second, fourth and fifth places where it occurs there is inserted "or primary care NHS trust".

**Amendment of regulation 26 of the principal Regulations**

**13.** In regulation 26 of the principal Regulations (temporary residents)(**10**)–

(a) in paragraph (1) for the words "Health Board for the area in which the doctor practises" there is substituted "the Health Board or primary care NHS trust in whose medical list the name of the doctor appears";

(b) in paragraph (2) for the words "Health Board for that area" there is substituted "appropriate Health Board or primary care NHS trust".

**Amendment of regulation 28 of the principal Regulations**

**14.** In regulation 28 of the principal Regulations (child health surveillance list)–

(a) in paragraphs (1), (2), (4), (5), (6), (7), (8), (9), (11), (12), (13), (15), (16) and (17) after the word "Board" in each place where it occurs there is inserted "or primary care NHS trust";

(b) in paragraph (10) after the word "Board's" there is inserted "or primary care NHS trust's";

(c) in paragraph (14)–

(i) after the word "Board" in the first and second places where it occurs there is inserted "or primary care NHS trust";

(ii) after the word "Board's" there is inserted "or primary care NHS trust's".

**Amendment of regulation 32 of the principal Regulations**

**15.** In regulation 32 of the principal Regulations (minor survey list)–

(a) in paragraphs (1), (2), (4), (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), and (17) after the word "Board" there is inserted "or primary care NHS trust";

(b) in paragraph (10) after the word "Board's" there is inserted "or primary care NHS trust's";

(c) in paragraph 14)–

(i) after the word "Board" in the first and second places where it occurs there is inserted "or primary care NHS trust";

(ii) after the word "Board's" there is inserted "or primary care NHS trust's".

(**10**) Regulation 26 was substituted by S.I.1998/660.