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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 28**

**NATIONAL HEALTH SERVICE**

**The National Health Service (General Medical Services) (Scotland) Amendment Regulations 2000**

*Made* - - - - 15th February 2000  
*Laid before the Scottish Parliament* - - - - 18th February 2000  
*Coming into force* - - 10th March 2000

The Scottish Ministers, in exercise of the powers conferred on them by sections 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 (General Medical Services) (Scotland) Amendment Regulations 2000 and shall come into force on 10th March 2000.

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

**New Regulation 7A of the principal Regulations**

2. After regulation 7 of the principal Regulations there is inserted—

**“Removal from the medical list where a doctor has died etc.**

7A. Where a Health Board or primary care NHS trust determines that a doctor whose name has been included in its medical list—

(a) has died;

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(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 instrument is S.S.I. 1999/54.

- (b) is no longer a doctor;
- (c) is the subject of a direction given by the Professional Conduct Committee under section 36 of the Medical Act 1983 (erasure of name from the register or suspension of registration)<sup>(3)</sup> or of an order made by that Committee under section 38(1) of that Act (immediate suspension);
- (d) has been convicted in the United Kingdom of murder; or
- (e) has been convicted in the United Kingdom of a criminal offence and sentenced to a term of imprisonment of at least six months,

it shall remove his name from the medical list with effect from the date of its determination or, where sub-paragraph (c) applies, the date on which the direction or order takes effect, if that date is later than the date of the Health Board's or primary care NHS trust's determination.".

### **Amendment of Regulation 9 of the principal Regulations**

**3.** In Regulation 9(3) of the principal Regulations (application for inclusion in the medical list) after the word "Committee" in the second place where it occurs there is added—

"and the report shall include details of the declaration made under paragraph 6A of Part I of Schedule 2".

### **Amendment of Schedule 2 to the principal Regulations**

**4.** After paragraph 6 of Part I of Schedule 2 to the principal Regulations (information and undertakings to be included in an application for inclusion in the medical list) there is inserted—

"**6A.** Declaration as to whether—

- (a) the applicant has been convicted of a criminal offence, bound over or cautioned in the United Kingdom or elsewhere, or is currently the subject of any proceedings which might lead to such a conviction, order to bind over or caution;
- (b) the applicant has been, or is currently subject to any action by his professional body or by any licensing or regulatory body in the United Kingdom or elsewhere,

and if so, details, including approximate dates of where the action or proceedings were or are to be brought, the nature of that action or proceedings and any outcome.".

St Andrew's House,  
Edinburgh  
15th February 2000

*SUSAN C DEACON*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the National Health Service (General Medical Services) (Scotland) Regulations 1995 (S.I.1995/416) (“the principal Regulations”), which regulate the terms on which doctors provide general medical services under the National Health Service (Scotland) Act 1978.

Regulation 2 inserts a new regulation 7A into the principal Regulations. This regulation requires a Health Board or a primary care NHS trust to delete the name of any doctor from the medical list in certain circumstances.

Regulation 3 amends regulation 9 of the principal Regulations so that a Health Board or primary care NHS trust is required to include in its report to the Medical Practices Committee on the application, details of the declaration by an applicant doctor as to any criminal offences or action by his professional body or any licensing or regulatory body.

Regulation 4 amends Schedule 2 to the principal Regulations which sets out the information and undertakings to be included in an application for inclusion in the medical list. The additional declaration requires the applicant to state any convictions or current proceedings for a criminal offence or action by his professional body or any licensing or regulatory body.