

SCHEDULE 1

MEDICAL AND DENTAL PRACTITIONERS

PART I

DEFINITIONS AND MODIFICATIONS

Additional definitions used in this Schedule

1. In this Schedule—

“assistant practitioner” means—

- (a) in the case of a registered medical practitioner—
 - (i) a GP performer who is not a GP provider but who is—
 - (aa) employed (whether under a contract of service or for services) by a GMS practice, a section 17C agreement provider, an HBPMS contractor, an OOH provider or a Health Board; and
 - (bb) in that employment engaged wholly or mainly in assisting that practitioner’s employer in the discharge of the employer’s duties as a GMS practice, a section 17C agreement provider, an HBPMS contractor, an OOH provider or a Health Board; or
 - (ii) a registered medical practitioner who is participating in a Doctors’ Retainer Scheme; and
- (b) in the case of a dental practitioner, a practitioner on a supplementary list employed by a principal practitioner, who in that employment is wholly or mainly engaged assisting that practitioner’s employer in the discharge of the employer’s duties as a registered dentist.

“Board and advisory work” means—

- (a) work undertaken as a member of the board of an employing authority which is not a GMS practice, a section 17C agreement provider, an HBPMS contractor or an OOH provider; or
- (b) advisory work commissioned by, and undertaken on behalf of, such an authority, where it is connected to the authority’s role in performing or securing the delivery of primary medical services or associated management activities or similar duties,

but which is not itself the performance of primary medical services and payment for which is made by the employing authority directly to the person carrying out that work.

“Common Services Agency” has the same meaning as in section 10 of the 1972 Act;

“officer service” means, subject to paragraph 11 (officer service treated as practitioner service), service as an officer;

“pensionable earnings” has the meaning given in paragraphs 5 to 10;

“practitioner income” has the meaning given in paragraph 5(2);

“practitioner service” means, subject to paragraph 11 (officer service treated as practitioner service), pensionable service as a medical, dental or ophthalmic medical practitioner;

“principal practitioner” means—

- (a) in the case of a registered medical practitioner, a GP provider; and

Status: This is the original version (as it was originally made).

- (b) in the case of a dental practitioner, a registered dentist who is included in a list prepared in accordance with the National Health Service (General Dental Services) (Scotland) Regulations 1996(1);

“Doctors’ Retainer Scheme” has the same meaning as given in section 39 of the Statement of Fees and Allowances Paid to General Medical Practitioners in Scotland prepared under regulation 35 of the National Health Service (General Medical Services) (Scotland) Regulations 1995(2);

“uprated earnings” is to be construed in accordance with paragraph 15(2).

Application of Regulations with modifications

2.—(1) These Regulations, subject to the modifications described in this Schedule apply to members who are or have been practitioners as if they were officers employed by the relevant Health Board or, in the case of a locum practitioner, the listing Authority and, except where the context otherwise requires, references to an employing authority will, in relation to a practitioner, be taken as a reference to the relevant Health Board or, in the case of a locum practitioner, the listing Authority.

- (2) In sub-paragraph (1)—

“the listing Authority” in relation to a locum practitioner means the Health Board who prepare and publish—

- (a) the medical performers list; or
(b) the services list under section 17EA or the supplementary list under section 24B of the 1978 Act(3),
on which the locum practitioner is included.

(3) Notwithstanding any other provision of these Regulations, a practitioner who wishes to contribute to this Section of the scheme must do so in respect of all of the practitioner’s work as a practitioner.

(4) A practitioner who has given notice under regulation B4 to opt out of this Section of the scheme in respect of practitioner service may nonetheless be a member in respect of any service as an officer.

Membership: locum practitioners

- 3.—(1) Regulation B1 does not apply to locum practitioners.

(2) A locum practitioner may apply to join this Section of the scheme by sending an application to the employing authority and submitting such evidence relating to the locum practitioner’s service as a locum practitioner and the contributions payable in respect of it as are required by the employing authority.

(3) On receiving such an application, such evidence and such contributions, the employing authority must submit the application to the Scottish Ministers.

(4) No application may be made under paragraph (2) in respect of a period of engagement as a locum practitioner ending earlier than ten weeks before the date of the application.

(1) S.I. 1996/177, amended by S.I. 1998/1663 and 1999/724 and S.S.I. 1999/51, 2000/188, 2004/37 and 2005/95.

(2) S.I. 1995/416; copies of the Statement of Fees and Allowances Paid to General Medical Practitioners in Scotland can be obtained on request from the Scottish Office Department of Health, St Andrew’s House, Edinburgh.

(3) Section 17EA was inserted by section 18(1) of the Community Care and Health (Scotland) Act 2002 (asp 5) and section 24B was inserted by section 18(2) of that Act.

**Modifications of provisions having effect from 1st April 2001 (locum practitioners)
(retrospective effect when admitted to supplementary lists)**

4.—(1) For the purposes of these Regulations, a person is treated as having been a locum practitioner at any particular time during the period beginning with 1st April 2001 and ending with 30th August 2003 (both dates inclusive) if—

- (a) at that particular time, apart from the condition in paragraph (b) of the definition of “locum practitioner”, the person would have fallen or falls within that definition, and
- (b) the person meets that condition not later than 31st August 2003.

(2) For the purposes of these Regulations, a person is also treated as having been a locum practitioner at any particular time during the period beginning with 1st April 2001 and ending with 30th August 2003 (both dates inclusive) if—

- (a) at that particular time, apart from the condition in paragraph (b) of the definition of “locum practitioner”, the person would have fallen or falls within that definition, and
- (b) the person—
 - (i) became a principal practitioner, an associate general practitioner, an assistant practitioner or a person who is treated as a practitioner under regulation R13 of the 1995 Regulations (participants in pilot schemes) after that particular time and not later than 31st August 2003;
 - (ii) became a medical pilot scheme employee treated as an officer under regulation R13 of the 1995 Regulations after that particular time and not later than 31st August 2003; or
 - (iii) became a registered medical practitioner who is an officer after that particular time and not later than 31st August 2003.