National Health Service (Scotland) Act 1978

1978 CHAPTER 29

PART II

PROVISION OF SERVICES

[[F1] Remuneration for services]

[[F1]28C Indemnity cover.

(1) Regulations may make provision for the purpose of securing that, in prescribed circumstances, prescribed Part II practitioners hold approved indemnity cover.

(2) The regulations may, in particular, make provision as to the consequences of a failure to hold approved indemnity cover, including provision—

(a) for securing that a person is not be added to any list unless he holds approved indemnity cover;

(b) for the removal from a list prepared by a Health Board of a Part II practitioner who does not within a prescribed period after the making of a request by the Health Board in the prescribed manner satisfy the Health Board that he holds approved indemnity cover.

(3) For the purposes of this section—

"approved body" means a person or persons approved in relation to indemnity cover of any description, after such consultation as may be prescribed, by the Secretary of State or by such other person as may be prescribed;

"approved indemnity cover" means indemnity cover made—

(a) on prescribed terms; and

(b) with an approved body;

"indemnity cover", in relation to a Part II practitioner (or person who proposes to provide Part II services), means a contract of insurance or other

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arrangement made for the purpose of indemnifying him and any person prescribed in relation to him to any prescribed extent against any liability which—

(a) arises out of the provision of Part II services in accordance with arrangements made by him with a Health Board under this Part of this Act; and

(b) is incurred by him or any such person in respect of the death or personal injury of a person;

"list" has the same meaning as in section **[**[F2]29(8)(b) to (e)**]**;

"Part II practitioner" means a person whose name is on a list;

"Part II services" means [F3]. . . general dental services, general ophthalmic services or pharmaceutical services;

"personal injury" means any disease or impairment of a person's physical or mental condition and includes the prolongation of any disease or such impairment;

and a person holds approved indemnity cover if he has entered into a contract or arrangement which constitutes approved indemnity cover.

(4) The regulations may provide that a person of any description who has entered into a contract or arrangement which is—

(a) in a form identified in accordance with the regulations in relation to persons of that description; and

(b) made with a person or persons so identified,

is to be treated as holding approved indemnity cover for the purposes of the regulations.**]**

Textual Amendments

F1 S. 28C and sidenote inserted (1.3.2000) by 1999 c. 8, **s. 56(1)**; S.S.I. 2000/38, **art. 2**

F2 Words in s. 28C(3) substituted (1.4.2004) by Primary Medical Services (Scotland) Act 2004 (asp 1), ss. 8, 9(1), **Sch. para. 1(11)(a)**; S.S.I. 2004/58, **art. 2(3)**

F3 Words in s. 28C(3) repealed (1.4.2004) by Primary Medical Services (Scotland) Act 2004 (asp 1), ss. 8, 9(1), **Sch. para. 1(11)(b)**; S.S.I. 2004/58, **art. 2(3)**

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Changes and effects yet to be applied to :

- s. 28C(3) words substituted by 2005 asp 13 sch. 2 para. 2(9)(a)
- s. 28C(3) words substituted by 2005 asp 13 sch. 2 para. 2(9)(b)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 16A(5) added by 2002 asp 5 Sch. 2 para. 2(2)
- s. 19A(2)(b) words repealed by 2003 asp 4 sch. 4 para. 5(4) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(a) words substituted by 2003 asp 4 sch. 4 para. 5(5)(a) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(b) substituted by 2003 asp 4 sch. 4 para. 5(5)(b) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(c) words substituted by 2003 asp 4 sch. 4 para. 5(5)(c) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(e) word substituted by 2003 asp 4 sch. 4 para. 5(5)(d) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 70A inserted by 1997 c. 46 s. 26(2)
- s. 70A(2) word substituted by 2005 asp 13 s. 14(3)
- s. 85AB(7) inserted by 2005 asp 13 sch. 2 para. 2(18)(b)
- Sch. 11 para. 2(1A) inserted by 2005 asp 13 s. 14(6)(a)