

# HEALTH ACT 1999

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part II - the National Health Service: Scotland**

##### *Section 56: Indemnity cover for Part II services*

310. This section (which makes the same provision for Scotland as section 9 does for England and Wales) will allow the Secretary of State to require Part II family health service practitioners (those providing general medical services, general dental services, general ophthalmic services, or pharmaceutical services) to hold indemnity cover.
311. The Secretary of State would be able to enforce the requirement in either (or both) of two ways. Regulations could specify that having approved indemnity cover is a requirement to joining a Health Board's list for a Part II service, and that practitioners on the list must hold approved indemnity in order to remain on the list, in order to practice those services on the NHS. Regulations would also allow the Secretary of State to specify that the holding of approved indemnity cover be set out in terms of service for a Part II service. This would mean that if approved cover was not held, the practitioner in question would be subject to the established Health Board disciplinary committees and, ultimately, to the NHS Tribunal which might strike them from the Health Board list if it was determined that their continued inclusion would be prejudicial to the efficiency of the service.
312. The indemnity could also be required to cover other persons prescribed in relation to the practitioner, i.e. employees, assistants or deputies of the practitioner. The intention is that the cover currently held by responsible practitioners should be quite adequate to meet any new requirements, and only those contractors who fall short of reasonable cover will find themselves affected. Regulations under the amendment would allow the Secretary of State to specify the type of indemnity cover that would be approved.