



# Health Act 1999

## 1999 CHAPTER 8

### PART II

#### THE NATIONAL HEALTH SERVICE: SCOTLAND

##### *Indemnity cover*

#### 56 Indemnity cover for Part II services

(1) After section 28B of the 1978 Act there is inserted—

##### **“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

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*Status: This is the original version (as it was originally enacted).*

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(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 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 29;

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

“Part II services” means general medical services, 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.”

(2) In section 19A of the 1978 Act (medical lists), at the beginning of subsection (3) there is inserted “Subject to any provision made under section 28C,”.

(3) In section 25 of that Act (arrangements for provision of general dental services), in subsection (2)(b), the word “and” before sub-paragraph (iii) is omitted and after that sub-paragraph there is inserted “; and

(iv) any provision made under section 28C”.

(4) In section 26 of that Act (arrangements for provision of general ophthalmic services), in subsection (2)(b), after “practitioners” there is inserted “and any provision made under section 28C”.