

SCHEDULE 2

Regulation 28

FAMILY PRACTITIONER SERVICES

1. In this Schedule “the transferred area” means the area transferred from the area of one area health authority (hereinafter referred to as “the transferor authority”) to the area of another such authority (hereinafter referred to as “the transferee authority”), and—

“the Secretary of State” means the Secretary of State for Social Services or the Secretary of State for Wales;

“the transferor area” means the area of the transferor authority and “the transferor committee” means the family practitioner committee established for that area; and

“the transferee area” means the area of the transferee authority and “the transferee committee” means the family practitioner committee established for that area.

2. Subject to the following paragraphs—

- (a) all arrangements for the provision of general medical services, general dental services, general ophthalmic services and pharmaceutical services made by the transferor committee shall, so far as they relate to the transferred area, remain of full force and effect as if made on behalf of the transferee authority by the transferee committee;
- (b) any decision given before the appointed day by the local medical committee, local dental committee, local optical committee or local pharmaceutical committee for the transferor area shall, in so far as it relates to the transferred area, have effect as if it had been given by the corresponding committee for the transferee area; and
- (c) any reference in any instrument to the local medical committee, local dental committee, local optical committee or local pharmaceutical committee for the transferor area shall, in so far as it relates to the transferred area, have effect as if it had been a reference to the corresponding committee for the transferee area.

3. Any services provided as part of general medical services, general dental services, general ophthalmic services or pharmaceutical services which have been commenced in the transferred area but not completed before the appointed day, and any matters arising in consequence of such services completed before that day, may be continued with the substitution for the transferor committee, as regards any responsibility for the administration (including payment) of those services, of the transferee committee.

4. Any proceedings under Part II of the National Health Service (Service Committees and Tribunal) Regulations 1974⁽¹⁾ in relation to services provided before the appointed day in the transferred area may be instituted and carried on, or as the case may be, continued in all respects as if the order had not been made. Any direction for the withholding of remuneration following such proceedings may be given to such family practitioner committee as the Secretary of State may think fit.

5. Any proceedings before the transferor committee instituted before the appointed day for determining whether the replacement or repair of an appliance is necessitated—

- (a) in the case of an optical appliance, by lack of care on the part of the person supplied; or
- (b) in the case of a dental appliance, by an act or omission of the person supplied or (if it occurred when such person was under 16 years of age) of him or of the person having charge of him when it occurred;

⁽¹⁾ (1974 I, p. 1511).

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shall where the practice premises given on the application for the replacement or repair of the appliance are situated in the transferred area be continued with the substitution for the transferor committee of the transferee committee.

6. Any medical practitioner who immediately before the appointed day is included in the medical list of the transferor committee and who at that date—

- (a) has a surgery in the transferred area, or
- (b) has on his list any patient permanently residing in such area,

shall be entitled to be included in the medical list of the transferee committee for the provision of services in those parts of the transferred area in which he was entitled to provide services immediately before the appointed day.

7. Any practitioner who immediately before the appointed day is providing services under section 38(1) of the National Health Service Act 1946 as set out in section 42 of the National Health Service Reorganisation Act 1973 or under section 40 or 41 of the said Act of 1946 from premises within the transferred area shall be included in the dental, ophthalmic or pharmaceutical list, as appropriate, of the transferee committee.

8. Anything duly done by, and any application duly made, or direction, authorisation or notice duly given to—

- (a) the Secretary of State;
- (b) the transferor committee;
- (c) the Prescription Pricing Authority;
- (d) the Welsh Health Technical Services Organisation;
- (e) the Dental Estimates Board; or
- (f) any other body dealing with family practitioner services,

in connection with the exercise, by such body, of any function which, by virtue of directions given under section 7 of the National Health Service Reorganisation Act 1973 or of any other provision of that Act, is a function exercisable by an area health authority or family practitioner committee, shall, in so far as it relates to the transferred area, be deemed to have been duly done by, or made or given to, the body exercising such function on the appointed day in place of the body by which such thing was done or to which such application was made, or such direction, authorisation or notice was given.

9. Any instrument made by any of the bodies specified in paragraph 8, in so far as it was made in the exercise of any function referred to in that paragraph, shall continue in force until it is varied or revoked by the body exercising such function in place of the body by which such instrument was made.

10. Any form supplied by any of the bodies specified in paragraph 8 in the exercise, by such body, of a function which by virtue of any directions given under section 7 of the National Health Service Reorganisation Act 1973 or of any other provision of that Act is a function exercisable by an area health authority or a family practitioner committee shall continue to be a valid form in connection with the exercise of any function until it is cancelled or withdrawn by the Secretary of State or by the body exercising the function in place of the body by which the form was supplied, and as if any reference contained, in such a form to a body by which the function was exercisable before the appointed day was a reference to the body exercising that function on and after that day.