
 STATUTORY INSTRUMENTS

1978 No. 1762 (S. 155)

NATIONAL HEALTH SERVICE, SCOTLAND
**The National Health Service (General Medical and
Pharmaceutical Services) (Scotland) Amendment
Regulations 1978**

Made - - - - 28th November 1978
Laid before Parliament 7th December 1978
Coming into Operation 29th December 1978

In exercise of the powers conferred on me by section 34 of the National Health Service (Scotland) Act 1947(a) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Amendment Regulations 1978 and shall come into operation on 29th December 1978.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Amendment of regulations

2. The National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1974(c), as amended(d), shall be further amended in Part I of Schedule 1 (Terms of service for doctors) as follows:—

(a) in paragraph 1, after sub-paragraph (a), there shall be inserted—

“(aa) “deputising service” means any person or body carrying on a business which consists of or includes the provision of deputies for periods which normally do not exceed 72 consecutive hours”;

(b) after paragraph 12 there shall be inserted the following paragraph:—

“12A—(1) Before entering into regular or standing arrangements with a deputising service for the provision of a deputy or deputies, a doctor shall obtain the consent of the Board.

(2) In giving such consent the Board may impose such conditions, including conditions in relation to the standards and the facilities provided by the deputising service, having regard to the advice of the area medical committee on these standards and facilities, as they consider necessary or expedient to ensure—

(a) that the doctor’s patients will receive all proper and necessary treatment, and

(a) 1947 c. 27.

(b) 1889 c. 63.

(c) S.I. 1974/506.

(d) The amendments do not relate expressly to the subject matter of these Regulations.

(b) that the arrangements with the deputising service will have due regard to the provisions of these terms of service.

(3) Before refusing or withdrawing such consent or imposing or varying such conditions, the Board shall consult the area medical committee.

(4) The Board may at any time, and shall periodically, review in consultation with the area medical committee any such consent given or conditions imposed and may withdraw such consent or vary such conditions.

(5) Where the Board decide to withdraw consent given to a doctor under this paragraph, they shall so far as is reasonably practicable, give the doctor not less than twenty-eight days' notice of the date on which the Board's decision is to come into effect; but the Board may dispense with such notice if they are satisfied that it is in the interests of patients to do so.

(6) A doctor may appeal to the Secretary of State against the refusal of consent or the imposition of a condition or against withdrawal of consent or variation of conditions under this paragraph by sending to him notice of appeal within twenty-eight days from the date on which the Board notify the doctor of their decision.

(7) In determining an appeal under this paragraph the Secretary of State may substitute for the Board's decision such decision and conditions as he thinks fit."

Bruce Millan,
One of Her Majesty's
Principal Secretaries of State.

New St Andrew's House
Edinburgh

28th November 1978.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1974 by requiring general medical practitioners to obtain the consent of the Health Board before they enter into regular or standing arrangements with a deputising service.

The Board may impose conditions including conditions as to the standards of and facilities provided by the deputising service. There is a right of appeal to the Secretary of State against a Board's decision or conditions, and the Secretary of State may substitute for the Board's decision such decision and conditions as he thinks fit.

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