
STATUTORY INSTRUMENTS

1990 No. 2513

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service (General Medical and
Pharmaceutical Services) Amendment (No. 3) Regulations 1990**

Made - - - - *10th December 1990*
Laid before Parliament *11th December 1990*
Coming into force - - *1st January 1991*

The Secretary of State for Health, in exercise of powers conferred by sections 29, 30, 33, 34, 42 and 126(4) of the National Health Service Act 1977(1), and by section 23(8) of the National Health Service and Community Care Act 1990(2) and of all other powers enabling him in that behalf, and after consultation with the Council on Tribunals in so far as such consultation is required by section 10 of the Tribunals and Inquiries Act 1971(3), hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) Amendment (No. 3) Regulations 1990 and shall come into force on 1st January 1991.

(2) In these Regulations, “the principal Regulations” means the National Health Service (General Medical and Pharmaceutical Services) Regulations 1974(4).

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- (1) 1977 c. 49; section 29 was amended by paragraphs 42 and 93 of Schedule 1 to the Health Services Act 1980 (c. 53) (“the 1980 Act”), paragraph 2 of Schedule 6 to the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), and article 7(3) of S.I. 1985/39; section 30 was amended by paragraph 43 of Schedule 1, and by Schedule 7, to the 1980 Act, article 3(1) of S.I. 1981/432, paragraph 4 of Schedule 3 to the Health and Social Security Act 1984 (c. 48) (“the 1984 Act”), and article 7(4) of S.I. 1985/39; section 33 was amended by article 3(2) of S.I. 1981/432, article 7(7) of S.I. 1985/39, paragraph 3 of Schedule 2 to the Health and Medicines Act 1988 (c. 49), and section 23 of the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”); section 34 was amended by article 7(8) of S.I. 1985/39, and section 23(7) of the 1990 Act; section 42 was substituted by section 3(1) of the National Health Service (Amendment) Act 1986 (c. 66), amended by article 4 of S.I. 1987/2202, and further amended by section 12(3) of the 1990 Act; see, for the definitions of “prescribed” and “regulations”, section 128(1), as amended by section 26(2) (g) and (i) of the 1990 Act.
- (2) 1990 c. 19; see articles 2(7) (c) and 3(2) of S.I. 1990/1329, and articles 2(1)(b) and (2) and 4 of S.I. 1990/2511.
- (3) 1971 c. 62; see paragraph 17 of Part I of Schedule 1 to that Act, as amended by paragraph 134 of Schedule 4 to the National Health Service Reorganisation Act 1973 (c. 32), paragraph 53 of Schedule 15 to the National Health Service Act 1977 (c. 49), and section 2(1) (b) of the National Health Service and Community Care Act 1990 (c. 19).
- (4) S.I. 1974/160; the relevant amending instruments are S.I. 1975/719, 1981/774, 1982/1283, 1985/39, 290, 540, 803, 1053, 1712, 1986/381, 916, 1486, 1987/5, 1425, 1988/1106, 2297, 1989/1897, 1990/801, 1757.

Amendment of regulation 2 of the principal Regulations

2. In regulation 2(1) of the principal Regulations (interpretation) the following definitions shall be inserted at the appropriate places in the alphabetical order:—

- ““the Amendment Regulations” means the National Health Service (General Medical and Pharmaceutical Services) Amendment (No. 3) Regulations 1990;
- “full-time doctor” shall be construed in accordance with regulation 11A(a);
- “half-time doctor” shall be construed in accordance with regulation 11A(c);
- “job-sharing doctor” shall be construed in accordance with regulation 11A(d);
- “restricted doctor” shall be construed in accordance with regulation 11A(e);
- “three-quarter-time doctor” shall be construed in accordance with regulation 11A(b);”.

Amendment of regulation 4 of the principal Regulations

3. In regulation 4 of the principal Regulations (medical list) after paragraph (1) there shall be inserted the following paragraphs:—

- “(1A) The medical list shall be divided into five Parts as follows:—
 - (a) Part I shall contain the names of doctors who are full-time doctors;
 - (b) Part II shall contain the names of doctors who are three-quarter-time doctors;
 - (c) Part III shall contain the names of doctors who are half-time doctors;
 - (d) Part IV shall contain the names of doctors who are job-sharing doctors;
 - (e) Part V shall contain the names of doctors who are restricted doctors.
- (1B) A Family Health Services Authority shall—
 - (a) as respects the name of any doctor included in its medical list on 1st January 1991; or
 - (b) when including the name of any doctor in its medical list after that date, assign the name to the Part of the list which is, by virtue of paragraph (1A), appropriate in the case of that doctor, having regard to the nature of any condition imposed in relation to him by the Medical Practices Committee under regulation 11A or treated as so imposed under regulation 12(3) of the Amendment Regulations.”.

Amendment of regulation 6 of the principal Regulations

4. In regulation 6 of the principal Regulations (amendment of, or withdrawal from, the medical list)—

- (a) in paragraph (2)(b) the words from “or to provide” to “combination of them),” shall be deleted;
- (b) after paragraph (2A) there shall be inserted the following paragraph:—
 - “(2B) A Family Health Services Authority shall, on being notified by the Medical Practices Committee that it has, in relation to any doctor whose name is included in the medical list, varied under regulation 11B any condition mentioned in paragraph (1)(a)(ii) or (c) of that regulation, amend the medical list by transferring the name of that doctor to the Part of the list which, having regard to the nature of the condition as varied, is appropriate in his case by virtue of regulation 4(1A).”.

Amendment of regulation 7 of the principal Regulations

5. In regulation 7 of the principal Regulations (application for inclusion in the medical list or to succeed to a vacancy)—

- (a) in paragraph (2) for the words from “shall be made” to the end of the paragraph there shall be substituted the words
“shall—
 - (a) be made by sending the application to the Family Health Services Authority by no later than the date specified in the notice given under regulation 10 in respect of the vacancy to which the application relates, or within such further period as that Authority may for reasonable cause allow; and
 - (b) include the information and undertakings specified in Part III of Schedule 1 to these Regulations.”;
- (b) in paragraph (3) for the words “this regulation” there shall be substituted the words “paragraph (1)”.

Substitution of regulations in the principal Regulations

6. For regulations 10 and 11 of the principal Regulations (advertisement of vacancies, and procedure for the determination of applications) there shall be substituted the following regulations:
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“Advertisement of vacancies

10.—(1) Where it has been resolved that a vacancy has arisen or is about to arise in any locality, the Family Health Services Authority for that locality shall, within such period (not being less than 14 days) as the Medical Practices Committee shall direct, beginning on the date of the direction, give notice of the vacancy in accordance with paragraph (2).

- (2) A notice of a vacancy—
 - (a) shall include—
 - (i) details of the nature and location of the vacancy;
 - (ii) where the vacancy is one in connection with which the Medical Practices Committee has indicated to the Authority the nature of any condition which it is likely to impose under section 33(4) of the National Health Service Act 1977 in relation to a successful applicant, details of that condition, and
 - (iii) the date by which any application to fill the vacancy must be sent or delivered to that Authority; and
 - (b) may include such other information about the vacancy or the locality as that Authority considers appropriate,

and shall be published in such manner as appears to that Authority to be likely to bring the vacancy to the attention of doctors within and outside its locality.

- (3) In this regulation and regulation 10A, “vacancy” means a requirement for—
 - (a) an additional doctor to provide general medical services otherwise than in succession to another doctor, as mentioned in regulation 7(2);
 - (b) a doctor to succeed to a practice which has been rendered vacant, as mentioned in regulation 7(4).

Selection of applicants by Family Health Services Authority

10A.—(1) An application under regulation 7(2) in respect of a vacancy shall be an application to which the provisions of section 33(2A) of the National Health Service Act 1977 shall apply, and shall be dealt with by the Family Health Services Authority in accordance with the following provisions of this regulation.

(2) Where a Family Health Services Authority receives more than one such application in connection with any vacancy, it shall select the applicant whose application it wishes to be considered by the Medical Practices Committee.

(3) Before making its selection for the purposes of paragraph (2) the Family Health Services Authority may give to any applicant for the vacancy an opportunity of making—

- (a) representations to it in writing;
- (b) where that Authority sees fit, representations to it in person.

(4) When the Family Health Services Authority has selected an applicant, it shall—

- (a) notify each applicant in writing whether or not he has been selected;
- (b) inform any applicant who has not been selected of his right of appeal to the Secretary of State on a point of law under section 33(2A)(c) of the National Health Service Act 1977; and
- (c) subject to paragraph (5), send the application of the selected applicant to the Medical Practices Committee, indicating in writing that it wishes that application to be considered by that Committee.

(5) An application shall not be sent to the Medical Practices Committee under paragraph (4)(c) until—

- (a) the time has expired for bringing an appeal under section 33(2A)(c) of the National Health Service Act 1977 in connection with the non-selection of any applicant for the vacancy to which the application relates; or
- (b) where such an appeal is made—
 - (i) the appeal has been determined adversely to the appellant, or
 - (ii) where the appeal is successful, the Family Health Services Authority has reconsidered the application in respect of which the appeal is made,whichever is the latest.

(6) Where a Family Health Services Authority receives only one application in connection with any vacancy it shall—

- (a) send the application to the Medical Practices Committee indicating in writing that it is the only application for that vacancy; and
- (b) notify the applicant in writing that it has done so.

Determination of applications by Medical Practices Committee

11.—(1) The Medical Practices Committee shall determine applications under section 30 of the National Health Service Act 1977 in accordance with the following paragraphs of this regulation.

(2) Subject to paragraph (3), in relation to any such application, the Medical Practices Committee shall—

- (a) where the application is made under regulation 7(1), consider the report made by the Family Health Services Authority with respect to the application;

- (b) before granting the application, ascertain whether or not the applicant is suitably experienced as mentioned in section 31 of the National Health Service Act 1977; and
- (c) where it grants the application, consider—
 - (i) which of the conditions mentioned in regulation 11A is appropriate in the case of the applicant, and
 - (ii) whether it should impose in relation to the applicant any condition mentioned in section 33(4)(b).
- (3) The Medical Practices Committee shall not consider any application made under regulation 7(2) unless the Family Health Services Authority has indicated that—
 - (a) the application is the only one for the vacancy in question; or
 - (b) it has selected the application for consideration by that Committee.
- (4) Subject to paragraph (5), any determination of the Medical Practices Committee shall be the decision of the majority of those members who are present and voting at a meeting of the Committee.
- (5) At any such meeting, four members of the Committee shall form a quorum, and in the case of an equality of votes the chairman shall have a second or casting vote.
- (6) The Medical Practices Committee shall give notice in writing to the applicant, the Family Health Services Authority and the Secretary of State of its determination of any application which it has considered, and shall inform each such applicant of his right of appeal to the Secretary of State on a point of law.

Conditions under which general medical services are to be provided

- 11A.** For the purposes of section 33(4)(a) of the National Health Service Act 1977, the condition by reference to which the Medical Practices Committee shall specify the provision of general medical services for which the applicant will be entitled to be remunerated is that he shall provide such services as—
- (a) a full-time doctor, that is to say a doctor who is to provide general medical services during not less than 26 hours in any week in which he is, pursuant to paragraph 25 of his terms of service, normally available to provide such services; or
 - (b) a three-quarter-time doctor, that is to say a doctor who is to provide such services during less than 26 hours, but not less than 19 hours, in any such week; or
 - (c) a half-time doctor, that is to say a doctor who is to provide such services during less than 19 hours, but not less than 13 hours, in any such week; or
 - (d) a job-sharing doctor, that is to say a doctor—
 - (i) who is to practise in partnership with another doctor whose name is included in the medical list,
 - (ii) who is himself to provide such services during less than 26 hours in any such week, and
 - (iii) for whom the hours during which he is to provide such services are, when aggregated with the hours of that other doctor, to amount to not less than 26 hours in any such week; or
 - (e) a restricted doctor, that is to say a doctor—
 - (i) who is a restricted list principal or a restricted services principal, and

- (ii) who is to provide general medical services during such number of hours in any week as he shall have specified in his application pursuant to regulation 7.

Variation of conditions

11B.—(1) A doctor whose name is included in a medical list may apply, in accordance with paragraph (2), for the variation of any condition—

- (a) imposed in relation to him by the Medical Practices Committee—
 - (i) excluding the provision by that doctor of general medical services in a specified part or specified parts of the locality of the Family Health Services Authority,
 - (ii) on or after 1st January 1991, by reference to regulation 11A in relation to the extent to which that doctor may carry out remunerated work;
- (b) specified in relation to him by the Secretary of State on the determination of any appeal from a decision of the Medical Practices Committee;
- (c) treated, by virtue of regulation 12(3) of the Amendment Regulations, as having been imposed in relation to him by that Committee on 1st January 1991.

(2) An application for the purposes of paragraph (1) shall be made in writing to the Family Health Services Authority and shall include the information specified in Part IIIA of Schedule 1 to these Regulations.

(3) On receipt of an application under this regulation, the Family Health Services Authority shall forward the application to the Medical Practices Committee, together with its observations in writing on the application.

(4) The Family Health Services Authority shall send to the doctor a copy of the observations it has made on his application, and the doctor may, within 14 days of receiving the copy of the observations, send to the Medical Practices Committee his representations in writing in response to the observations.

(5) The provisions of regulation 11(4) and (5) as respects the constitution and quorum of the Medical Practices Committee shall apply in the case of the determination by that Committee of an application under this regulation as they apply to the determination of an application under that regulation.

(6) The Medical Practices Committee shall not consider an application under this regulation until it has received representations from the doctor under paragraph (4) or until the time allowed under that paragraph for the making of representations has expired, whichever is the earlier.

(7) On consideration of an application under this regulation the Medical Practices Committee—

- (a) shall take account of the observations made by the Family Health Services Authority and of any representations made by the doctor in response;
- (b) in determining the application, may refuse to vary the condition in question, or may—
 - (i) in the case of a condition mentioned in paragraph (1)(a)(i) or (b), vary the condition by specifying therein such other part or parts of the relevant locality (in which the doctor is to be excluded from providing general medical services) as that Committee considers appropriate,
 - (ii) in the case of a condition mentioned in paragraph (1)(a)(ii) or (c), vary the condition by imposing in relation to the doctor such other condition

mentioned in regulation 11A(a) to (e) as has been requested in the application; and

- (c) shall give notice of its decision in writing to the doctor and to the Family Health Services Authority.

(8) Where the Medical Practices Committee refuses under paragraph (7)(b) to vary a condition, or varies a condition in the manner mentioned in head (i) of that sub-paragraph it shall, when it gives notice to the doctor of its decision—

- (a) include with the notice a statement of the reasons for its decision; and
- (b) advise the doctor in writing of his right of appeal under paragraph (9).

(9) A doctor may appeal to the Secretary of State on a point of law against the refusal of the Medical Practices Committee to vary a condition under this regulation, and—

- (a) paragraphs (2) to (8) of regulation 12 shall apply to the making and determination of any such appeal; and
- (b) where the Secretary of State allows such an appeal, he shall remit the application to that Committee for reconsideration, and regulation 12(9) shall apply in that event.”.

Amendment of regulation 12 of the principal Regulations

7. In regulation 12 of the principal Regulations (appeal to the Secretary of State)—

- (a) for paragraphs (1) and (2) there shall be substituted the following paragraphs:—

“(1) Any appeal to the Secretary of State on a point of law—

- (a) pursuant to section 33(2A)(c) of the National Health Service Act 1977 by a doctor who has not been selected by a Family Health Services Authority as mentioned in paragraph (c) of that subsection; or
- (b) pursuant to section 33(5) of that Act by a doctor whose application under section 30 of that Act has been refused by the Medical Practices Committee or has been granted by that Committee subject to conditions; or
- (c) pursuant to regulation 11B(9) (variation of conditions in connection with inclusion in a medical list),

shall be made and determined in accordance with the following paragraphs of this regulation.

(2) A doctor may appeal by sending to the Secretary of State a notice of appeal within 14 days, or within such longer period as the Secretary of State may for reasonable cause allow, of the date on which notice of the decision of the Family Health Services Authority or, as the case may be, the Medical Practices Committee is sent to him.

(2A) A notice of appeal shall contain a concise statement of the point or points of law in respect of which the doctor contends that the decision of the Family Health Services Authority or, as the case may be, the Medical Practices Committee is erroneous.”;

- (b) in paragraph (3) for the words from “the Medical Practices Committee” to the end of the paragraph there shall be substituted the words “and the Family Health Services Authority or, as the case may be, the Medical Practices Committee”;

- (c) in paragraph (4) for the words from “appoint” to the end of the paragraph there shall be substituted the words

“appoint—

- (a) a person who is a barrister or a solicitor; and

- (b) where the Secretary of State sees fit, one or more other persons, to hear the appeal.”;
- (d) in paragraph (5) for the words from “Medical Practices Committee” to “granted” there shall be substituted the words
 - “Family Health Services Authority or, as the case may be, the Medical Practices Committee and—
 - (a) in the case of an appeal mentioned in paragraph (1)(a), to the doctor whose application for appointment to the vacancy to which the appellant’s application relates was selected for consideration by the Medical Practices Committee;
 - (b) in the case of an appeal mentioned in paragraph (1)(b), to the doctor whose application for appointment to the vacancy to which the appellant’s application relates was granted.”;
- (e) in paragraph (6) for the words “Medical Practices Committee and the Committee” there shall be substituted the words “Family Health Services Authority or, as the case may be, the Medical Practices Committee”;
- (f) in paragraph (8) after the words “communicate it” there shall be inserted the words “, together with his reasons for it, in writing”;
- (g) after paragraph (8) there shall be added the following paragraph:—
 - “(9) Where, on allowing an appeal, the Secretary of State remits an application to the Family Health Services Authority or, as the case may be, the Medical Practices Committee for reconsideration—
 - (a) he shall give to that Authority or, as the case may be, that Committee such directions as appear to him to be desirable with a view to ensuring the proper determination of the application in accordance with the relevant law; and
 - (b) that Authority or, as the case may be, that Committee shall redetermine the application and in so doing shall comply with any directions given by the Secretary of State under sub-paragraph (a) of this paragraph with respect to the determination of that application.”.

Amendment of regulation 17 of the principal Regulations

8. In regulation 17 of the principal Regulations (limitation of number of persons on doctors' lists)

- (a) in paragraph (1A)(b)—
 - (i) in head (i) for the words from “doctor” to “week” there shall be substituted the words “full-time doctor”,
 - (ii) in head (ii) for the words from “doctor” to “week” there shall be substituted the words “three-quarter-time doctor”,
 - (iii) in head (iii) for the words from “doctor” to “week” there shall be substituted the words “half-time doctor”, and at the end of that head there shall be added the word “or”;
 - (iv) after head (iii) there shall be added the following head:—
 - “(iv) in the case of a job-sharing doctor who practises in partnership with another job-sharing doctor and at least one further doctor, he is entitled to a share of the profits which, when added to the share of the other job-sharing doctor with whose hours his hours are being aggregated for the purposes of

regulation 11A(d), is not less than one third of the share of the member of the partnership with the greatest share.”;

(b) paragraph (8) shall be omitted.

Amendment of Schedule 1 to the principal Regulations

9.—(1) In Part I of Schedule 1 to the principal Regulations (terms of service for doctors)—

(a) in paragraph 25—

(i) for sub-paragraphs (2), (3) and (4) there shall be substituted the following sub-paragraphs:—

“(2) Subject to sub-paragraphs (2A), (2B), (3) and (4), a Family Health Services Authority shall not approve any application submitted by a doctor in relation to the times at which he is to be available unless it is satisfied that—

(a) the times proposed are such that the doctor will normally be available—

(i) in 42 weeks in any period of 12 months,

(ii) for no less than the number of hours in any such week which are specified in the condition imposed in relation to him under regulation 11A, and

(iii) on 5 days in any such week; and

(b) the hours for which the doctor will normally be available in any week are to be allocated between the days on which he will normally be available in that week in such a manner as is likely to be convenient to his patients;

(c) where the doctor is a three-quarter-time doctor or a half-time doctor, he is practising in partnership with—

(i) another doctor whose name is included in the medical list and who is himself a full-time doctor, or

(ii) two job-sharing doctors whose names are included in the medical list and whose hours are aggregated for the purpose of head (d) of this sub-paragraph;

(d) where the doctor is a job-sharing doctor—

(i) he is practising in partnership with another doctor whose name is included in the medical list, and

(ii) the hours for which both doctors will normally be available will in aggregate be not less than 26 hours in any week referred to in head (a)(i) of this sub-paragraph.

(2A) On any application made pursuant to sub-paragraph (1) by a three-quarter-time doctor or a half-time doctor—

(a) head (a)(iii) of sub-paragraph (2) shall not apply; and

(b) any approval of the application shall be subject to the condition that the approval shall lapse after the expiry of a period of 6 months from the date on which that doctor ceases to satisfy head (c) of sub-paragraph (2).

(2B) On any application made pursuant to sub-paragraph (1) by a job-sharing doctor—

(a) head (a)(iii) of sub-paragraph (2) shall apply so as to require either the job-sharing doctor or the other doctor referred to in sub-paragraph (2)(d) to be normally available on each of the days mentioned in that head;

- (b) any approval of the application shall be subject to the condition that the approval shall lapse after the expiry of a period of 6 months from the date on which the doctor ceases to satisfy sub-paragraph (2)(d).
- (3) On any application made pursuant to sub-paragraph (1) by a doctor who is a restricted list principal or a restricted services principal, sub-paragraph (2)(a)(i) and (iii), (c) and (d) shall not apply.
- (4) The Family Health Services Authority may, in relation to the application of any full-time doctor who seeks normally to be available on only 4 days in any week referred to in sub-paragraph (2)(a)(i), excuse the doctor from the requirement of head (a)(iii) of that sub-paragraph and approve the application to the extent allowed by paragraph 25A.”,
- (ii) in sub-paragraph (5) for the words “paragraphs 25A to 25D” there shall be substituted the words “paragraph 25A”,
- (iii) in sub-paragraph (7)(b), sub-heads (iii), (iv) and (v) shall be omitted;
- (b) paragraphs 25B, 25C and 25D shall be omitted.
- (c) for paragraph 37 there shall be substituted the following paragraph:—

“37.—(1) Where a doctor—

- (a) is responsible under these terms of service for the treatment of 10 or more persons in a school or other institution in which at least 20 persons normally reside; and
- (b) orders, for any two or more of those persons for whose treatment he is responsible, drugs or dressings to which this paragraph applies,

he may use a single prescription form for the purpose.

(2) Where a doctor uses a single prescription form for the purpose mentioned in sub-paragraph (1), he shall (instead of entering on the form the names of the persons for whom the drugs or dressings are ordered) enter on the form—

- (a) the name of the institution in which those persons reside; and
- (b) the number of persons residing there for whose treatment he is responsible.

(3) This paragraph applies to any drug or dressing which can be supplied as part of pharmaceutical services and which—

- (a) in the case of a drug, is not a product of a description or class which is for the time being specified in an order made under section 58(1) of the Medicines Act 1968(5); or
- (b) in the case of a dressing, does not contain such a product.”.

(2) In Part II of Schedule 1 to the principal Regulations (information and undertakings to be included in an application for inclusion in the medical list), after item 12 there shall be inserted the following items:—

“12A. Whether the applicant intends to practise as—

- (a) a full-time doctor;
- (b) a three-quarter-time doctor;
- (c) a half-time doctor;
- (d) a job-sharing doctor; or

(5) 1968 c. 67; see S.I. 1983/1212, as amended by S.I. 1984/756, 1986/586, 1987/674, 1250, 1988/2017 and 1989/1852.

(e) a restricted doctor.

(12B) Where the applicant intends to practise as a job-sharing doctor, the name of the other job-sharing doctor with whose hours the applicant's hours are to be aggregated for the purposes of regulation 11A(d).".

(3) In Part III of Schedule 1 to the principal Regulations (information and undertakings to be included in an application to fill a vacancy), after item 7 there shall be inserted the following items:—

“7A. Whether the applicant intends to practise as—

- (a) a full-time doctor;
- (b) a three-quarter-time doctor;
- (c) a half-time doctor;
- (d) a job-sharing doctor; or
- (e) a restricted doctor.

(7B) Where the applicant intends to practise as a job-sharing doctor, the name of the other job-sharing doctor with whose hours the applicant's hours are to be aggregated for the purpose of regulation 11A(d).".

(4) After Part III of Schedule 1 to the principal Regulations there shall be inserted the new Part IIIA set out in the Schedule to these Regulations.

Amendment of Schedule 1C to the principal Regulations

10. In Schedule 1C to the principal Regulations (information to be included with applications for approval of doctors' availability to patients) Parts IV, V and VI shall be omitted.

Amendment of Schedule 3A to the principal Regulations

11. In Schedule 3A to the principal Regulations (drugs and other substances not to be prescribed for supply under pharmaceutical services)—

(a) the following entries shall be omitted:—

“Aspirin Tablets, Effervescent 300 mg
Aspirin Tablets, Effervescent Soluble
Trifyba”;

(b) the following entries shall be inserted at the appropriate points in the alphabetical order:—

“Amplex Mouthwash
Amplex Original Mint Capsules
Aspirin Tablets, Effervescent Soluble 300 mg
Aspirin Tablets, Effervescent Soluble 500 mg
Best Royal Jelly Capsules
Bisodol Extra Tablets
Boots Hard Lens Soaking Solution
Canderel Intense Sweetener Spoonful
Clerz Lubricating and Rewetting Eye Drops
Codalax
Codalax Forte
Copholcoids

Country Basket Rice Cakes
Cranberry Juice
Deltasoralen Bath Lotion
Disprin Extra Tablets
Elgydium Toothpaste
Formulix
Goat's Milk Spray Dried Powder
Healthilife Sunflower Seed Oil Capsules 500 mg
Importal
Lavender Bath
Lemsip Expectorant
Lemsip Linctus
Miraflo Cleaning Solution
Nilbite
Oxysept 1 Disinfecting Solution
Oxysept 2 Rinsing, Neutralising and Storing Solution
Panadol Extra Tablets
Pantene Hair Tonic
Pholcomed D Linctus
Pholcomed Pastilles
Plax Anti-Plaque Pre-Brushing Rinse
Poli-grip Denture Fixative Cream
Prymecare Tablets for Soft and Gas Permeable Lenses
Prymeclean Cleaning Solution for Soft Lenses
Prymesoak Soaking Solution for Soft Lenses
Rite-Diet Macaroni in Mushroom Sauce, Low Protein/Gluten Free
Rite-Diet Spaghetti with Tomato Sauce, Low Protein/Gluten Free
Rosemary Bath
Selsun Soft Conditioner
Sensodyne Toothpaste
Sionon Sweetener
Spectraban 4 Lotion
Temazepam Gelthix Capsules
Temazepam Planpak
Unichem Chesty Cough Linctus
Unichem Children's Dry Cough Linctus
Unichem Dry Cough Linctus
Vagisil Feminine Powder
Zendium Toothpaste".

Transitional provisions

12.—(1) Where an application has been made—

- (a) under regulation 7(1) of the principal Regulations prior to 1st January 1991 but not determined before that date; or
- (b) under regulation 7(2) of the principal Regulations in relation to a vacancy as respects which notice was first given under regulation 10 of those Regulations before 1st January 1991,

regulations 7 and 11 of the principal Regulations shall have effect in relation to the treatment and determination of that application as if regulations 5 and 6 of these Regulations had not come into force.

(2) Where an application has been made—

- (a) before 1st January 1991 under regulation 7(1) of the principal Regulations; or
- (b) (whether or not before 1st January 1991) under regulation 7(2) of the principal Regulations in relation to a vacancy as respects which notice was first given under regulation 10 of those Regulations before that date,

and has been determined by the Medical Practices Committee, regulation 12 of the principal Regulations shall apply in relation to any appeal made against that determination (whether or not such appeal is made before 1st January 1991) as if these Regulations had not come into force.

(3) Subject to paragraphs (4) and (6), where on 1st January 1991 a doctor's name is included in a medical list, that doctor shall thereafter be treated as if the Medical Practices Committee had on that date imposed in relation to him—

- (a) where the doctor is available for not less than 26 hours in any week, the condition mentioned in paragraph (a) of regulation 11A of the principal Regulations;
- (b) where the doctor is available for less than 26 hours but not less than 19 hours in any week, the condition mentioned in paragraph (b) of that regulation;
- (c) where the doctor is available for less than 19 hours but not less than 13 hours in any week, the condition mentioned in paragraph (c) of that regulation;
- (d) where the doctor is available jointly with another doctor for not less than 26 hours in any week, the condition mentioned in paragraph (d) of that regulation;
- (e) where the doctor is a restricted list principal or a restricted services principal, the condition mentioned in paragraph (e) of that regulation, but as if for the reference in that paragraph to the hours specified by the doctor in his application there were substituted a reference to the hours during which the doctor was, in any week, normally available to his patients immediately before 1st January 1991;
- (f) where the doctor was, on 31st December 1990, available in accordance with the former paragraph 25D, the condition mentioned in paragraph (a) of that regulation.

(4) A doctor to whom sub-paragraph (f) of paragraph (3) applies shall, on any day falling before 1st April 1991—

- (a) be relieved of the obligation to comply fully with the condition mentioned in regulation 11A(a) of the principal Regulations, notwithstanding that he falls to be treated, by virtue of paragraph (3), as a full-time doctor; and
- (b) instead provide general medical services in any week for no less than the number of hours which had been approved in his case by the Family Health Services Authority in accordance with the former paragraph 25D.

(5) Where, prior to 1st January 1991, an application has been made to a Family Health Services Authority for approval pursuant to sub-paragraph (1) of the former paragraph 25, or for a review pursuant to sub-paragraph (15) of the former paragraph 25, and—

- (a) that application has not been determined by that Authority before that date; or
- (b) an appeal is brought against the determination (whether before, on or after 1st January 1991) of such an application,

the application or, as the case may be, any appeal against the determination of such an application shall be determined after 1st January 1991 by that Authority or, as the case may be, the Secretary of State under the principal Regulation as if these Regulations had not come into force.

(6) Where the application or appeal of any doctor has been determined in accordance with paragraph (5) above, paragraph (3) of this regulation shall apply in relation to that doctor as if—

- (a) for the reference in that paragraph to “that date”; and
- (b) for the words “immediately prior to 1st January 1991” in paragraph (7)(a),

there were substituted a reference to the date of the determination under paragraph (5) of the application or, as the case may be, the appeal.

(7) In this regulation—

- (a) “available” means, in relation to a doctor, available to provide general medical services to his patients at such times as have been approved in his case by the Family Health Services Authority or, on appeal, the Secretary of State pursuant to the former paragraph 25 prior to 1st January 1991;
- (b) “the former paragraph 25” and “the former paragraph 25D” mean, respectively, the paragraph bearing that number in Part I of Schedule 1 to the principal Regulations as in force prior to their amendment by these Regulations;
- (c) “vacancy” has the same meaning as in regulations 10 and 10A of the principal Regulations.

Signed by authority of the Secretary of State for Health.

10th December 1990

Virginia Bottomley
Minister of State,
Department of Health

SCHEDULE

regulation 9(4)

(NEW PART IIIA TO BE INSERTED IN SCHEDULE 1 TO THE PRINCIPAL REGULATIONS)

“PART IIIA

INFORMATION TO BE INCLUDED IN AN APPLICATION
FOR THE VARIATION OF A CONDITION IMPOSED IN
CONNECTION WITH INCLUSION IN A MEDICAL LIST

1. Full name.
2. Private address.
3. Information about the services to be provided, and in particular whether they—
 - (a) will include } maternity medical services;
will exclude } maternity medical services;
will be limited to } maternity medical services;
 - (b) will include } contraceptive services—
will exclude } contraceptive services—
will be limited to } contraceptive services—
 - (i) excluding } the fitting of intra-uterine devices,
including } the fitting of intra-uterine devices,
 - (ii) restricted to } patients to whom the applicant or any partner of his is providing
other personal medical services;
not restricted to } patients to whom the applicant or any partner of his is
providing other personal medical services;
 - (c) will include } child health surveillance services;
will exclude } child health surveillance services;
will be limited to } child health surveillance services;
 - (d) will include } minor surgery services.
will exclude } minor surgery services.
will be limited to } minor surgery services.
4. Name(s) and address(es) of partner(s) with whom the applicant intends to practise, indicating whether or not their names are on the Family Health Services Authority’s medical list.
5. Details of any proposed changes to—
 - (a) the geographical boundary of the applicant’s practice area, by reference to a sketch, diagram or plan of a scale approved by the Family Health Services Authority;
 - (b) his practice premises;
 - (c) his place of residence;
 - (d) his telephone number(s) at which messages may be received.
6. Where the applicant is seeking a variation of a condition relating to his hours or the sharing of work whether he wishes to practise as—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) a full-time doctor;
- (b) a three-quarter-time doctor;
- (c) a half-time doctor;
- (d) a job-sharing doctor; or
- (e) a restricted doctor.”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (General Medical and Pharmaceutical Services) Regulations 1974 (“the principal Regulations”) which regulate the terms on which general medical services and pharmaceutical services are provided under the National Health Service Act 1977 (“the 1977 Act”).

These amendments are made principally in consequence of the coming into force on 1st January 1991 of section 23 of the National Health Service and Community Care Act 1990 in so far as it amends section 33 of the 1977 Act to provide for the selection by Family Health Services Authorities (“Authorities”) of those general medical practitioners (“doctors”) to be considered by the Medical Practices Committee (“the Committee”) for inclusion in medical lists, and to require the Committee, when granting applications for such inclusion, to specify, by reference to conditions relating to hours or the sharing of work, the provision of general medical services for which doctors may be remunerated.

Regulation 4 of the principal Regulations is amended to require Authorities to divide their medical lists into five Parts (to reflect the conditions which the Committee may specify in relation to doctors' hours), and to assign each doctor to the appropriate Part of the list (regulation 3), and an amendment is made to regulation 6 of the principal Regulations to require Authorities to amend their medical lists by transferring doctors to different Parts should their conditions be varied by the Committee (regulation 4). Regulation 7 of the principal Regulations is amended to introduce a time limit within which applications must be made by doctors seeking to succeed to practices advertised as vacant by Authorities (regulation 5).

Five new regulations are substituted in the principal Regulations (regulation 6): a new regulation 10 requires an Authority to advertise any vacant practice for which a doctor is required and specifies the information to be included in the advertisement; a new regulation 10A prescribes applications for vacancies made under regulation 7(2) of the principal Regulations as those which are to be subject to selection by Authorities under the new section 33(2A) of the 1977 Act, and makes procedural provision in connection with the selection process; a new regulation 11 provides for the procedure to be followed by the Committee when determining applications for inclusion in medical lists; a new regulation 11A prescribes the conditions relating to hours or the sharing of work by reference to which the Committee is to specify the provision of general medical services for which a doctor is entitled to be remunerated; and a new regulation 11B makes provision in connection with the making and determination of applications to the Committee for a variation of conditions imposed, or treated as imposed, in relation to doctors under section 33 of the 1977 Act.

The procedure in regulation 12 of the principal Regulations in connection with appeals to the Secretary of State is amended principally in consequence of amendments to section 33 of the 1977

Act which restrict the existing right of appeal from the Committee's decisions to points of law only, and confer the same restricted right of appeal on applicants who have not been selected by Authorities for consideration by the Committee. In particular, provision is made for reasons to be given for decisions on appeals, and for the procedure to be followed when matters are remitted by the Secretary of State for reconsideration by Authorities or by the Committee (regulation 7). Schedule 1 to the principal Regulations is amended to remove from Authorities their jurisdiction in relation to the number of hours during which doctors are to be available to their patients in any week (regulation 9). Transitional provision is made so as to provide, in particular, for the determination on or after 1st January 1991 of applications which had been made but not determined before that date, and so as to treat doctors who are already providing general medical services on 1st January 1991 as being subject thereafter to the condition mentioned in regulation 11A which reflects the extent of their availability to their patients on that date (regulation 12).

These Regulations also insert new definitions in the principal Regulations (regulation 2), amend the provisions of the doctors' terms of service which govern the prescribing of drugs and dressings to patients residing in schools and other institutions (regulation 9(1)(c)), and amend the list of drugs and other substances (set out in Schedule 3A to the principal Regulations) which may not be prescribed for supply, and which may not be dispensed, in the course of pharmaceutical services under the 1977 Act (regulation 11). Other amendments are also made which are either of a minor nature or are consequential upon the amendments already described in this note.