
STATUTORY INSTRUMENTS

1995 No. 416

The National Health Service (General Medical Services) (Scotland) Regulations 1995

PART IV

general medical services other than child health surveillance services, contraceptive services, maternity medical services and minor surgery services

Temporary provision of general medical services

24.—(1) The provisions of this regulation shall apply in relation to the making of arrangements for the temporary provision of general medical services.

(2) Where a doctor dies, retires or otherwise ceases to be entitled to be included in the medical list or where his registration is suspended in any of the circumstances specified in section 19(7) of the Act⁽¹⁾, the Board, after consultation with the Area Medical Committee, may—

- (a) make and as necessary or desirable vary from time to time arrangements for the temporary provision of general medical services for the patients for whose treatment that doctor was or might have become responsible which arrangements may consist of or include the appointment under this paragraph of one or more doctors to undertake the provision of such services;
- (b) where a doctor included in the medical list by virtue of regulation 4(1)(a) ceases because of his death to be entitled to be so included, and within 7 days of the date of death any person applies to the Board in writing on behalf of the estate of that doctor for the appointment of one or more named doctors, appoint one or more of the named doctors to undertake the provision of general medical services for the patients for whose treatment that doctor was or might have become responsible.

(3) The Board may make such arrangements as it thinks fit for the accommodation and other needs of any doctor appointed under paragraph (2) and, in the case of any doctor appointed under paragraph (2)(b), shall where practicable first consult any person who applied to them for the appointment of that doctor.

(4) Arrangements under paragraph (2) shall subsist for such period as the Board thinks fit, but such period shall not extend beyond one year unless the Board is at the expiry of that year satisfied that the continuation of the said arrangements with or without variations is necessary to enable general medical services to continue to be provided; and in any event the said arrangements shall not subsist beyond the date on which the relevant practice vacancy is permanently filled or the suspension referred to in paragraph (2) ceases to have effect; but the Board shall so far as possible give prior written notice of the termination of the said arrangements to the doctor with whom those arrangements were made.

(1) Subsection (7) of section 19 was inserted by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 7, paragraph 2 and was amended by the Medical Act 1983 (c. 54), Schedule 5, paragraph 17(a).

(5) Subject to paragraph (4), where arrangements under paragraph (2) with or without variations are to continue for a period beyond one year, the Board shall at the expiry of that year notify the Secretary of State in writing of such continuation, and subsequently of the termination of such arrangements as soon as is practicable.

(6) Where it appears to the Board, after consultation with the Area Medical Committee, that a doctor on the medical list is incapable of carrying out adequately his obligations under the terms of service because of his physical or mental condition, it may require him to be medically examined.

(7) Where the Board is satisfied—

- (a) that because of his physical or mental condition, or
- (b) that because of continued absence

a doctor's obligations under the terms of service are not being carried out adequately, it may after consultation with the Area Medical Committee and with the consent of the Secretary of State make arrangements for the temporary provision of general medical services for the patients for whose treatment that doctor was or might have become responsible, which arrangements may consist of or include the appointment under this paragraph of one or more doctors to undertake the provision of such services.

(8) No doctor may be appointed under paragraph (2) or (7) unless he is suitably experienced (other than by virtue of being a restricted services principal) within the meaning of section 21 of the Act.

(9) Subject to paragraph (12), arrangements under paragraph (7) shall subsist for such period as the Board thinks fit, but not, in a case to which paragraph (7)(a) applies, beyond the date on which the Board is satisfied, after consulting the Area Medical Committee, that the doctor is fit to resume his practice.

(10) The Board may, before varying or terminating any arrangements made under paragraph (7) and after consulting the Area Medical Committee, require the doctor to be medically examined.

(11) A doctor required under this regulation to be medically examined shall submit himself for medical examination by a doctor or doctors appointed, after consultation with the Area Medical Committee, by the Board, and such examining doctor or doctors shall thereafter report in writing to the Board as to the doctor's fitness to carry out his obligations under the terms of service.

(12) Where the Board proposes that arrangements under paragraph (7) shall continue for longer than one year or such shorter period as the Secretary of State may in any particular case specify, or beyond a second or subsequent year or any subsequent specified period in the particular case, it shall so notify the Secretary of State in writing not less than 30 days before the expiry of that year or such specified period, or as soon thereafter as is practicable, and shall in each case obtain the consent of the Secretary of State to the continuation of the arrangements.

(13) Where arrangements under paragraph (7) expire or are terminated by the Board it shall give reasonable prior written notice to the doctor with whom those arrangements were made, and shall as soon as practicable notify the Secretary of State in writing that such termination has taken place.

(14) The Board shall, where practicable, notify in writing any doctor with respect to whose patients arrangements are made under this regulation of such arrangements and of their variation or termination.

(15) Each doctor appointed under this regulation shall throughout his appointment be bound by the terms of service which were applicable to the doctor, the treatment of all of whose patients he is appointed with or without other doctors to undertake; but such appointment shall not oblige the doctor so appointed to provide child health surveillance services, contraceptive services, maternity medical services or minor surgery services which he has not undertaken to provide.

(16) Where the doctor for the treatment of whose patients arrangements are made under this regulation has accepted patients for the provision of maternity medical services and the doctor or doctors appointed under this regulation have not undertaken to provide such services, the Board shall

so inform the patients accepted for these services and inform them of any arrangements to enable them to continue to receive such services.

(17) Any patient of a doctor in respect of whose patients the Board has made arrangements for the temporary provision of general medical services under this regulation shall be deemed to remain on the list of that doctor for the duration of such arrangements unless he makes application for acceptance by another doctor or is otherwise removed from the list in accordance with these Regulations.

(18) Any application for acceptance and inclusion on a doctor's list received by a doctor appointed under this regulation in the course of such appointment shall be deemed to be an application for acceptance and inclusion in the list of the doctor in respect of whose patients the appointment was made.

(19) The Board may deduct from the remuneration of a doctor in respect of whose patients arrangements are made under paragraph (7) or consequent upon the suspension of whose registration arrangements are made under paragraph (2)(a) the cost, in part or in whole, of any such arrangements, and in the case of a doctor performing relevant services in an emergency recognised by the Secretary of State for the purpose of these Regulations, the Board shall deduct from his remuneration the cost of arrangements under this regulation.

(20) In its application to the temporary provision of general medical services, sub-section (3) of section 19 of the Act shall have effect as if the words "otherwise than temporarily" were inserted after the words "general medical services" in that sub-section.

(21) In its application to a doctor appointed under this regulation, section 20(1A) of the Act(2) shall have effect as if—

- (a) the words "shall be entitled to have his application for the inclusion of his name in the list kept by any Health Board referred to the Medical Practices Committee" were omitted and the words "shall be appointed to provide general medical services temporarily" were inserted in their place; and
- (b) the words from "and where a Board" to the end were omitted.

(22) Sections 20(1) and 21 of the Act shall not apply in respect of the temporary provision of general medical services by a doctor appointed under this regulation.

(2) Section 20(1A) was inserted by [S.I. 1981/432](#).