
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (General Medical Services) Regulations 1992 (“the principal Regulations”) which regulate the terms on which general medical services are provided under the National Health Service Act 1977.

Regulations 2 and 3 contain minor and drafting amendments which are consequential on the substantive amendments contained in regulation 5. Regulation 4 is a drafting amendment consequential upon changes made in the regulations governing disciplinary proceedings in relation to general medical practitioners by the National Health Service (Service Committees and Tribunal) Amendment Regulations 1996 (S.I. 1996/703).

Regulation 5 amends doctors’ terms of service in two ways. First, provision is made to enable a doctor to transfer part or all of his obligations under the terms of service to another doctor at night, at weekends and on public holidays. Such an arrangement can only be made with the approval of the Health Authority. The regulations require a doctor to provide the Health Authority with details of the proposed arrangement and they require the Health Authority to have regard to the interests of the doctor’s patients as well as the practicability of the proposed arrangement in deciding whether to approve it. There is also provision for a doctor to appeal against the Health Authority’s refusal to approve a proposed arrangement, for the Health Authority to review any approval and, where necessary in the interests of the doctor’s patients, to withdraw its approval immediately.

Secondly, the terms of service are amended to require a doctor to establish and operate a system to deal with complaints. There is provision about who may complain, what they may complain about, how such complaints are to be dealt and the publicity which a doctor must give to his complaints procedure. The terms of service changes also require a doctor to cooperate with complaints procedures which are operated by Health Authorities.

The terms of service are also amended to include a definition of “notice” as “a notice in writing”.

Regulation 6 requires doctors to include details of any new out of hours arrangements in their practice leaflets.

Regulation 7 requires doctors to include the number of complaints received under the new procedures in the annual reports which they must submit to their Health Authority.