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STATUTORY INSTRUMENTS

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**1998 No. 1667 (S. 92)**

**MEDICAL PROFESSION  
NATIONAL HEALTH SERVICE, SCOTLAND**

**The Medical Act 1983 (Approved Medical Practices and  
Conditions of Residence) and National Health Service (General  
Medical Services) (Scotland) Amendment Regulations 1998**

<i>Made</i>	- - - -	<i>8th July 1998</i>
<i>Laid before Parliament</i>		<i>10th July 1998</i>
<i>Coming into force</i>	- -	<i>1st August 1998</i>

The Secretary of State, in exercise of powers conferred on him by section 11(3)(b) and (4) of the Medical Act 1983(1) and by sections 19 and 105(7) of the National Health Service (Scotland) Act 1978(2) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Medical Act 1983 (Approved Medical Practices and Conditions of Residence) and National Health Service (General Medical Services) (Scotland) Amendment Regulations 1998 and shall come into force on 1st August 1998.

(2) In regulations 2 and 3, “PRHO” means a person engaged in employment under section 10 of the Medical Act 1983(3) in an approved medical practice.

**Medical Practices qualifying for approval**

2.—(1) In this regulation—

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- (1) 1983 c. 54. Section 11 was amended by S.I. 1996/1591, Schedule 2, paragraph 3 and by the National Health Service (Primary Care) Act 1997 (c. 46), section 35 and Schedule 2, paragraph 61(2).
- (2) 1978 c. 29; section 19 was amended by the Health Services Act 1980 (c. 53) (“the 1980 Act”), section 7, by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) (“the 1983 Act”), Schedule 7, paragraph 2, by the Medical Act 1983 (c. 54), Schedule 5, paragraph 17(a) and by the National Health Service and Community Care Act 1990 (c. 19), section 37 and is to be read with the Health and Medicines Act 1988 (c. 49), section 17; section 105(7) was amended by the 1980 Act, Schedule 6, paragraph 5 and Schedule 7 and by the 1983 Act, Schedule 9, paragraph 24; see section 108(1) for the definitions of “prescribed” and “regulations”.
- (3) Section 10 was amended by the National Health Service (Primary Care) Act 1997 (c. 46), section 35(2).

- (a) “General Practice (GP) Registrar” has the meaning assigned to it in regulation 2(1) of the National Health Service (General Medical Services) (Scotland) Regulations 1995(4); and
- (b) “training practitioner” means a practitioner falling within regulation 7(1) of the National Health Service (Vocational Training for General Medical Practice) (Scotland) Regulations 1998(5).

(2) The following description of medical practice is prescribed for the purposes of section 11(4) of the Medical Act 1983–

- (a) the practice includes at least one doctor who is a training practitioner;
- (b) the training practitioner (or, where there are more than one of them in the practice, the one who is to take training responsibility for the PRHO) has confirmed in writing to the university or other body concerned with the practice’s approval for the purposes of section 10 of the Medical Act 1983, that he is prepared to accept training responsibility for the PRHO;
- (c) each partner (if any) of the training practitioner has also confirmed in writing to that university or other body his willingness for the training practitioner to undertake training responsibility for the PRHO; and
- (d) the training practitioner with training responsibility for the PRHO will not at the same time have training responsibility for any other PRHO or for a General Practice (GP) Registrar.

### **Conditions as to residence**

3.—(1) In this regulation, “practice premises” has the meaning assigned to it in regulation 2(1) of the National Health Service (General Medical Services) (Scotland) Regulations 1995.

(2) For the duration of the time that a PRHO is employed in an approved medical practice the conditions as to residence prescribed for the purposes of section 11(3)(b)(6) of the Medical Act 1983 are that he shall reside in accommodation supplied by the NHS trust hospital approved for his general clinical training pursuant to section 11 of that Act, if that accommodation is situated conveniently near to the practice premises but, if not, that he shall reside in other accommodation conveniently near to the practice premises.

### **Amendment of the National Health Service (General Medical Services) (Scotland) Regulations 1995**

4.—(1) The National Health Service (General Medical Services) (Scotland) Regulations 1995 are amended as follows.

(2) In Schedule 1 (terms of service for doctors), in paragraph 20(7)–

- (a) in sub-paragraph (c), at the end insert “or”; and
- (b) after sub-paragraph (c), add–

“(d) is a person engaged in employment under section 10 of the Medical Act 1983(8) in an approved medical practice.”.

(3) In Schedule 5 (information to be included in practice leaflets), after paragraph 21 insert–

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(4) S.I. 1995/416. The definition of “General Practice (GP) Registrar” was substituted for that of a “trainee general practitioner” by S.I. 1998/4.

(5) S.I. 1998/5.

(6) Section 11(3)(b) was added by section 35(3)(b) of the National Health Service (Primary Care) Act 1997 (c. 46).

(7) Paragraph 20 was substituted by S.I. 1997/943, regulation 5(6).

(8) 1983 c. 54; section 10 was amended by the National Health Service (Primary Care) Act 1997 (c. 46), section 35(2).

“22. If a person is, or is likely to be, engaged in employment in the practice under section 10 of the Medical Act 1983, a description of the role of such a person and the arrangements for drawing this to the attention of patients.”.

St Andrew’s House,  
Edinburgh  
8th July 1998

*Sam Galbraith*  
Minister for Health, Scottish Office

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

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations prescribe the description of medical practice which may be approved for the purposes of employing a Pre-Registration House Officer (“PRHO”) pursuant to section 10 of the Medical Act 1983, and also prescribe the conditions of residence with which a PRHO must comply throughout the period of such employment.

As a consequence of the above, regulation 4 further amends the National Health Service (General Medical Services) (Scotland) Regulations 1995 which regulate the terms on which general medical services are provided under the National Health Service (Scotland) Act 1978. In particular, they amend Schedule 1 of those Regulations (doctors' terms of service) to include a PRHO in the definition of those whom a doctor may engage to act as his deputy, and Schedule 5 (information to be included in practice leaflets) in order to ensure that the role of a PRHO is explained to patients of the members of the practice.