
STATUTORY INSTRUMENTS

1998 No. 646

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES
NATIONAL HEALTH SERVICE, SCOTLAND
SOCIAL SECURITY
TERMS AND CONDITIONS OF EMPLOYMENT
CHILDREN AND YOUNG PERSONS**

The National Health Service (Pilot Schemes: Miscellaneous Provisions and Consequential Amendments) Regulations 1998

<i>Made</i>	- - - -	<i>11th March 1998</i>
<i>Laid before Parliament</i>		<i>11th March 1998</i>
<i>Coming into force</i>	- -	<i>1st April 1998</i>

The Secretary of State, in exercise of the powers conferred by the provisions set out in the Schedule to this instrument, and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

**PART I
GENERAL**

Citation, commencement and extent

1.—(1) These Regulations may be cited as the National Health Service (Pilot Schemes: Miscellaneous Provisions and Consequential Amendments) Regulations 1998 and shall come into force on 1st April 1998.

(2) This Part, Part II and regulations 6 and 7 extend to England and Wales and to Scotland.

(3) Regulations 8 to 16 extend to England and Wales only.

Interpretation

2. In these Regulations—

- “the 1977 Act” means the National Health Service Act 1977(1);
- “the 1978 Act” means the National Health Service (Scotland) Act 1978(2); and
- “the 1997 Act” means the National Health Service (Primary Care) Act 1997(3).

PART II

MISCELLANEOUS PROVISIONS

Prescribed function of Health Authorities and Health Boards

3. For the purposes of section 15(1ZA) of the 1977 Act(4) and section 2 of the 1978 Act(5), it shall be a prescribed function of each Health Authority and Health Board which is a party to a pilot scheme under section 1(1) of the 1997 Act to establish and operate, in accordance with directions given by the Secretary of State under section 9(2) of the 1997 Act and section 17 of the 1977 Act or, as the case may be, section 10(2) of the 1997 Act and section 2 of the 1978 Act, procedures for dealing with complaints about the provision of personal medical services under such a pilot scheme.

Pilot patients for whom Health Authorities and Health Boards must make arrangements for the provision of general medical services

4.—(1) The categories of person mentioned in paragraph (2) are prescribed for the purpose of section 1(5)(a) of the 1997 Act as persons for whom an authority must make arrangements under section 29 of the 1977 Act or, as the case may be, section 19 of the 1978 Act (arrangements for the provision of general medical services).

(2) The categories are persons who are, under a pilot scheme—

- (a) provided with personal medical services which are limited to contraceptive services, to maternity medical services or to both of them(6); or
- (b) being provided with personal medical services as temporary residents(7) at a time when their names are included in the list of patients held by a doctor who provides general medical services in the area of the authority which is a party to the pilot scheme.

(3) In this regulation—

- (a) “contraceptive services” and “maternity medical services” have the meanings respectively assigned to them in the National Health Service (General Medical Services) Regulations

(1) 1977 c. 49.

(2) 1978 c. 29.

(3) 1997 c. 46.

(4) Section 15(1ZA) was inserted by the 1997 Act, Schedule 2, paragraph 4.

(5) Section 2 was amended by the National Health Service and Community Care Act 1990 (c. 19), Schedule 9, paragraph 19(1).

(6) As to the provision of these services to a person who is not provided with other personal medical services under a pilot scheme see the Directions to Health Authorities Concerning the Implementation of Pilot Schemes (Personal Medical Services), made under section 6(1) of the 1997 Act, paragraph 3(4) and the Directions to Health Boards Concerning the Implementation of Pilot Schemes (Personal Medical Services), made under section 6(1) of the 1997 Act, paragraph 3(4).

(7) As to the treatment of temporary residents, see the National Health Service (Choice of Medical Practitioner) Regulations 1998, regulation 7, the National Health Service (Choice of Medical Practitioner) (Scotland) Regulations 1998, regulation 7, the Directions to Health Authorities Concerning the Implementation of Pilot Schemes (Personal Medical Services), paragraph 12 and the Directions to Health Boards Concerning the Implementation of Pilot Schemes (Personal Medical Services), paragraph 12.

1992(8) and the National Health Service (General Medical Services) (Scotland) Regulations 1995(9); and

- (b) “temporary resident” has the meaning assigned to it in the National Health Service (Choice of Medical Practitioner) Regulations 1998(10) and the National Health Service (Choice of Medical Practitioner) (Scotland) Regulations 1998(11).

Persons who may perform personal medical services

5.—(1) The categories of person mentioned in paragraph (2) are prescribed for the purpose of section 11(2)(c) of the 1997 Act (persons who are not otherwise mentioned in section 11 of that Act who may perform personal medical services).

(2) The categories are—

- (a) a person who, whilst not falling within section 11(2)(a) of the 1997 Act (persons acting in the course of acquiring prescribed experience), is nonetheless acting in the course of acquiring the whole or any part of the general practice experience prescribed by regulation 6(3) of the National Health Service (Vocational Training for General Medical Practice) Regulations 1997(12) (“the Vocational Training Regulations”) or, as the case may be, regulation 6(3) of the National Health Service (Vocational Training for General Medical Practice) (Scotland) Regulations 1998(13) (“the Vocational Training (Scotland) Regulations”); and
- (b) a person who has been issued with a certificate of equivalent experience under regulation 12 of the Vocational Training Regulations or regulation 12 of the Vocational Training (Scotland) Regulations.

PART III

CONSEQUENTIAL AMENDMENTS

Amendment of the Social Security (Medical Evidence) Regulations 1976

6. In the Social Security (Medical Evidence) Regulations 1976(14), in paragraph 3 of Schedule 1 (rules as to evidence of incapacity for work), after “National Health Service (Scotland) Act 1947,”, insert “or the list of a doctor, or a list held jointly by two or more doctors, performing personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997,”.

Amendment of the Statutory Sick Pay (Medical Evidence) Regulations 1985

7. In the Statutory Sick Pay (Medical Evidence) Regulations 1985(15), in paragraph 3 of the Schedule (rules as to statement of incapacity for work), after “National Health Service (Scotland) Act 1978,”, insert “or the list of a doctor, or a list held jointly by two or more doctors, performing personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997,”.

(8) S.I. 1992/635, regulation 2(1) (to which there have been amendments which are not relevant to these Regulations).

(9) S.I. 1995/416. The relevant amending instrument is S.I. 1997/943.

(10) S.I. 1998/668, regulation 1(2).

(11) S.I. 1998/659, regulation 1(2).

(12) S.I. 1997/2817.

(13) S.I. 1998/5.

(14) S.I. 1976/615, amended by S.I. 1982/699, 1987/409, 1989/1686, 1991/2284, 1992/247, 1994/2975 and 1995/987.

(15) S.I. 1985/1604, amended by S.I. 1992/247.

Amendment of the National Health Service (General Ophthalmic Services) Regulations 1986

8. In the National Health Service (General Ophthalmic Services) Regulations 1986(16), in paragraph 8C of Schedule 1 (complaints against ophthalmic medical practitioners)(17), after sub-paragraph (2) insert the following sub-paragraphs—

“(3) Where a contractor, being an ophthalmic medical practitioner, also performs personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997 (“the 1997 Act”) for any person to whom he provides general ophthalmic services, the complaints procedure established and operated in accordance with directions under section 6(1) of the 1997 Act as to complaints procedures for pilot schemes(18) shall apply in relation to any matter reasonably connected with his provision of general ophthalmic services to that person, as it applies as respects his performance of personal medical services under the pilot scheme.

(4) Accordingly, any requirement imposed by virtue of such directions on a person providing personal medical services under such a pilot scheme as to co-operation with any investigation of a complaint by the Health Authority also applies in relation to complaints about such matters.”.

Amendment of the National Health Service (Charges for Drugs and Appliances) Regulations 1989

9.—(1) The National Health Service (Charges for Drugs and Appliances) Regulations 1989(19) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1)—

(a) in the definition of “patient”, after “his terms of service”, insert “or in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997”; and

(b) in the definition of “prescription form”, in paragraph (c) after “services”, insert—

“or performing personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997, or

(d) a doctor performing personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997.”.

(3) In regulation 2(1A) in each of sub-paragraphs (a)(iii) and (b)(ii), after “medical list”, insert “or who is performing personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997”.

(4) In regulation 3(2)(c) after “terms of service”, insert “or in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997”.

(5) In regulation 4(4) delete “, notwithstanding the provisions of his terms of service”.

(6) In regulation 4(6) for “to the Committee on” to the end of the paragraph, substitute—

“as the case may be—

(a) to the Committee on whose medical list he is included, or

(b) if he is included on more than one medical list, to the Committee which, under the provisions of the Statement published under regulation 24 of the Medical Services

(16) S.I. 1986/975. The relevant amending instrument is S.I. 1996/705.

(17) Paragraph 8C was inserted by S.I. 1996/705, regulation 8(6).

(18) See the Directions to Health Authorities Concerning the Implementation of Pilot Schemes (Personal Medical Services), paragraph 25 and Schedule 3.

(19) S.I. 1989/419, amended by S.I. 1990/537, 1991/579, 1992/365, 1993/420, 1994/690, 1994/2402, 1995/643, 1995/2737 and 1996/583.

Regulations, pays him for the provision of general medical services on behalf of all Committees concerned, or

- (c) if the doctor is performing personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997, to the health authority which is a party to that pilot scheme.”.

Amendment of the National Health Service Trusts (Membership and Procedure) Regulations 1990

10.—(1) The National Health Service Trusts (Membership and Procedure) Regulations 1990(**20**) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1(2) (interpretation)—

- (a) in the definition of “general medical practitioner”, insert at the end “, or is performing personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997”; and
- (b) in the definition of “health service body” for “or an NHS trust” substitute “, an NHS trust or a pilot scheme health service body as defined in section 16(6) of the National Health Service (Primary Care) Act 1997”.

(3) In regulation 11(1)(f) (disqualification for appointment of chairman and non-executive directors), for “or general dental practitioner or an employee of either of those” substitute “, general dental practitioner or a person performing personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997, or an employee of any of those”.

Amendment of the Children’s Homes Regulations 1991

11. In the Children’s Homes Regulations 1991(**21**), in paragraph 18 of Schedule 2 (information to be included in confidential records), at the end, insert “, or, where the child is included in a list of patients held jointly by two or more doctors in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997, the address of the practice premises of those doctors”.

Amendment of the Children (Private Arrangements for Fostering) Regulations 1991

12. In the Children (Private Arrangements for Fostering) Regulations 1991(**22**), in regulation 2(2) (f) (general welfare of children), at the end insert “, or the list of a doctor performing personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997 (or a list held jointly by two or more such doctors in connection with a pilot scheme under that Act)”.

Amendment of the National Health Service Litigation Authority Regulations 1995

13. In the National Health Service Litigation Authority Regulations 1995(**23**), in regulation 1(2) (interpretation) in the definition of “health service body”, for “or an NHS trust” substitute “, an NHS trust or a pilot scheme health service body as defined in section 16(6) of the National Health Service (Primary Care) Act 1997”.

(20) S.I. 1990/2024. Relevant amending instruments are S.I. 1996/1755 and 1997/2990.

(21) S.I. 1991/1506, amended by S.I. 1993/3069, 1994/1511, 1994/3142, 1994/3144 and 1996/692.

(22) S.I. 1991/2050.

(23) S.I. 1995/2801.

Amendment of the Ashworth, Broadmoor and Rampton Hospitals (Functions and Membership) Regulations 1996

14. In the Ashworth, Broadmoor and Rampton Hospitals (Functions and Membership) Regulations 1996⁽²⁴⁾, in regulation 1(2) (interpretation) in the definition of “health service body”, for “or a National Health Service trust” substitute “, an NHS trust or a pilot scheme health service body as defined in section 16(6) of the National Health Service (Primary Care) Act 1997”.

Amendment of the Health Authorities (Membership and Procedure) Regulations 1996

15.—(1) The Health Authorities (Membership and Procedure) Regulations 1996⁽²⁵⁾ shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1(2) (interpretation), in the definition of “health service body”, for “or an NHS trust” substitute “, an NHS trust or a pilot scheme health service body as defined in section 16(6) of the National Health Service (Primary Care) Act 1997”.

(3) In regulation 10 (disqualification for appointment)—

- (a) in paragraph (1)(j), after “NHS trust”, insert “or pilot scheme health service body as defined in section 16(6) of the National Health Service (Primary Care) Act 1997”;
- (b) in paragraph (4), after “the 1977 Act” insert “or performing personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997”; and
- (c) in paragraph (5), after “Part II services” insert “or performing personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997”.

(4) In regulation 16(6)(b) (disability of chairman and members in proceedings on account of pecuniary interest), after “Part II services” insert “or performing personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997”.

Amendment of the Health Health Service (Functions of Health Authorities and Administration Arrangements) Regulations 1996

16.—(1) The National Health Service (Functions of Health Authorities and Administration Arrangements) Regulations 1996⁽²⁶⁾ shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) (interpretation) after the definition of “the 1990 Act” omit the word “and” and insert—

““the 1997 Act” means the National Health Service (Primary Care) Act 1997⁽²⁷⁾

(3) In regulation 5 (arrangements by Health Authorities and Special Health Authorities for exercise of functions)—

- (a) in paragraph (1), after “the 1990 Act”, insert “, and any function to which paragraph (1A) applies,”, and
- (b) after paragraph (1), insert—
 - “(1A) This paragraph applies to—
 - (a) any function exercisable by a Health Authority in relation to piloted services by virtue of the Act, as extended by section 9(2) of the 1997 Act; and

⁽²⁴⁾ S.I. 1996/489.

⁽²⁵⁾ S.I. 1996/707. The relevant amending instrument is S.I. 1997/2991.

⁽²⁶⁾ S.I. 1996/708.

⁽²⁷⁾ 1997 c. 46.

- (b) any function exercisable by a Health Authority by virtue of sections 4, 6 and 18 of, and Schedule 1 to, the 1997 Act which does not fall within subparagraph (a).”.

11th March 1998

Frank Dobson
One of Her Majesty’s Principal Secretaries of
State,
Department of Health

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

SCHEDULE

PROVISIONS CONFERRING POWERS EXERCISED IN MAKING THESE REGULATIONS

The National Health Service Act 1977(**28**), sections 15(1ZA), 16(1) (as extended by section 9(2) of the National Health Service (Primary Care) Act 1997), 17, 18, 39, 77, 83A and 126(4), and paragraph 12 of Schedule 5.

The National Health Service (Scotland) Act 1978(**29**), sections 2 and 105(7).

The Children Act 1989(**30**), sections 67(2)(b) and 104(4), and paragraph 4(2)(d) of Schedule 4, paragraph 7(2)(g) of Schedule 5 and paragraph 10(2)(f) of Schedule 6.

The National Health Service and Community Care Act 1990(**31**), section 5(7).

The Social Security Administration Act 1992(**32**), sections 14(2) and 59, and paragraph 4 of Schedule 3.

The National Health Service (Primary Care) Act 1997(**33**), sections 1(5)(a), 11(2)(c), and 39(2).

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part II of these Regulations makes miscellaneous provision in relation to the National Health Service (Primary Care) Act 1997 (“the 1997 Act”). The Regulations confer an additional function on Health Authorities in England and Wales and Scottish Health Boards (“authorities”), which is the function of establishing and operating procedures for dealing with complaints about the provision of personal medical services in accordance with directions made by the Secretary of State.

The Regulations also specify the circumstances in which an authority must make arrangements for the provision of general medical services (under section 29 of the National Health Service Act 1977 or section 19 of the National Health Service (Scotland) Act 1978) for a person who is provided with personal medical services under a pilot scheme under the 1997 Act. Such arrangements must be made where the personal medical services which are provided to the person in question are limited

(28) 1977 c. 49. See section 128(1) as amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 26(2)(g) and (i), for the definitions of “prescribed” and “regulations”. Section 15(1ZA) was inserted by the 1997 Act, Schedule 2, paragraph 4. Sections 16 and 17 were substituted by the Health Authorities Act 1995 (c. 17) (“the 1995 Act”), paragraph 7 and 8 respectively of Schedule 1. Section 18 was amended by the Health Services Act 1980 (c. 53) (“the 1980 Act”), paragraphs 38 and 92 of Schedule 1; S.I. 1985/39, article 7(2); the 1990 Act, Schedule 10; and the 1955 Act, section 3(8) and paragraph 9 of Schedule 1. Section 39 was extended by the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”), section 17, and amended by the 1980 Act, section 1 and Schedule 1, paragraph 52, by the Health and Social Security Act 1984 (c. 48), section 1(4), Schedule 1, Part I, paragraph 1 and Schedule 8, Part I; by S.I. 1985/39, article 7(12), and by the 1995 Act, Schedule 1, paragraph 28. Section 126(4) was amended by the 1990 Act, section 65(2). Section 83A was inserted by the Social Security Act 1988 (c. 7), section 14(1), and amended by the 1988 Act, Schedule 2, paragraph 6, by the 1990 Act, Schedule 9, paragraph 18(5), and by the 1995 Act, Schedule 1, paragraph 40.

(29) 1978 c. 29. Section 2 was amended by the 1990 Act, Schedule 9, paragraph 19(1). Section 105(7) was amended by the 1980 Act, Schedule 6, paragraph 5 and Schedule 7 and by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24.

(30) 1989 c. 41. See section 105(1) and, in relation to Schedule 6, paragraph 1(3) of that Schedule, for the definition of “prescribed”.

(31) 1990 c. 19.

(32) 1992 c. 5.

(33) 1997 c. 46. See section 40(2) for the definitions of “prescribed” and “regulations”.

to contraceptive services and maternity medical services and, in certain circumstances, where that person is being treated as a temporary resident.

They prescribe the categories of person who may perform personal medical services in connection with a pilot scheme (in addition to persons who are otherwise able to perform such services under section 11 of the 1997 Act). The categories are doctors who are in the course of undertaking part only of the experience prescribed by regulations relating to the vocational training of general medical practitioners and doctors whose experience has been certified as equivalent to the experience so prescribed.

Part III of these Regulations makes amendments to other secondary legislation which are consequential upon the coming into force of certain provisions of the 1997 Act.

Copies of the Directions to Health Authorities Concerning Implementation of Pilot Schemes (Personal Medical Services) which are referred to in the footnotes to regulations 4 and 8 may be obtained from:

Primary Care Division

Primary Care Act—Personal Medical Services Pilot Schemes

Room 7E60

NHS Executive Headquarters

Quarry House

Quarry Hill

Leeds LS2 7UE.

Copies of the Directions to Health Boards Concerning the Implementation of Pilot Schemes (Personal Medical Services), which are referred to in the footnotes to regulation 4 may be obtained from:

The Scottish Office

St Andrews House

Edinburgh EH1 1DG.

These Regulations impose no costs on business.