
STATUTORY INSTRUMENTS

1998 No. 646

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

PART III

CONSEQUENTIAL AMENDMENTS

Amendment of the Social Security (Medical Evidence) Regulations 1976

6. In the Social Security (Medical Evidence) Regulations 1976(1), 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(2), 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,”.

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

8. In the National Health Service (General Ophthalmic Services) Regulations 1986(3), in paragraph 8C of Schedule 1 (complaints against ophthalmic medical practitioners)(4), 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(5) 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

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

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

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

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

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

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(6) 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 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(7) 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

(6) 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.

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

(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(8), 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(9), 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(10), 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”.

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(11), 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(12) 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)—

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

(9) S.I. 1991/2050.

(10) S.I. 1995/2801.

(11) S.I. 1996/489.

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

- (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(**13**) 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(**14**)

(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
- (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).”.

(13) S.I. 1996/708.

(14) 1997 c. 46.