

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

The National Health Service (Injury Benefits) Regulations 1995

13.—(1) The National Health Service (Injury Benefits) Regulations 1995(1) shall be amended in as provided in this paragraph.

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

(a) for the definition of “assistant practitioner” substitute—

““assistant practitioner” means—

- (a) a person on the medical performers list who is employed (other than by a Primary Care Trust or a Local Health Board) to perform primary medical services under a GMS contract, a default contract or a PMS agreement; or
- (b) an employee of a dental practitioner on the list of a Strategic Health Authority, Primary Care Trust or Local Health Board, being himself a dental practitioner who, in such employment, is engaged in assisting his employer in the actual discharge of his duties as such practitioner and for whose employment the consent of the Strategic Health Authority, Primary Care Trust or Local Health Board is required;”;

(b) for the definition of “medical list” substitute—

““medical performers list” means a list prepared by a Primary Care Trust pursuant to regulation 3(1) of the National Health Service (Performers Lists) Regulations 2004(3);”;

(c) in the definition of “practitioner”—

- (i) in paragraph (a) for “a registered medical practitioner or a registered dentist whose name is included on the medical list or, as the case may be,” substitute “a registered dentist whose name is included”,
- (ii) in paragraph (c), omit “a registered medical practitioner or”,
- (iii) omit “and” after paragraph (d),
- (iv) in paragraph (e)—

(aa) for “a registered medical practitioner or a registered dentist who is a medical pilot scheme employee or a dental pilot scheme employee, as the case may be,” substitute “a registered dentist who is a dental pilot scheme employee”;

(bb) in sub-paragraph (i), omit “the medical list or, as the case may be,”;

(cc) in the full out words at the end, omit “medical or”; and

(dd) at the end, insert “and”, and

(v) at the end, add paragraph (f)—

“(f) a registered medical practitioner who is included in a medical performers list and who is providing services under—

- (i) a GMS contract or a default contract, or
- (ii) a PMS agreement;”;

(1) S.I.1995/866; relevant amendments are S.I. 1998/667, 2002/2469 and 2003/631.

(2) Regulation 2 was amended by S.I. 1997/646, 1998/667 and 2217, 2000/606, 2002/2469 and 2003/631.

(3) S.I. 2004/585.

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- (d) omit the definitions of “medical pilot scheme employee” and “personal medical services”; and
- (e) insert, in the appropriate alphabetical position—
 - ““default contract” means a contract under article 13 of the General Medical Services Transitional and Consequential Provisions Order 2004(4);
 - “GMS contract” means a contract under section 28Q of the National Health Service Act 1977(5);
 - “PMS agreement” means an agreement made under section 28C of the National Health Service Act 1977(6) and includes a transitional agreement as defined in article 1(4) of the General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004;”.
- (3) In regulation 3 (persons to whom the regulations apply)(7), omit paragraph (1)(f).
- (4) In regulation 4A (recovery of costs)(8), in paragraph (6)(c), for “to—
 - (i) a person providing piloted services, or
 - (ii) a registered medical practitioner who is a medical pilot scheme employee;”;substitute “to a person providing piloted services”.

(4) S.I. 2004/433.

(5) Section 28Q was inserted into the National Health Service Act 1977 by section 175(1) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) (“the 2003 Act”).

(6) Section 28C was inserted into the Act by the National Health Service (Primary Care) Act 1997 (c. 46), section 21(1) and amended by the Health Act 1999 (c. 8), Schedule 4, paragraph 15, the Health and Social Care Act 2001 (c. 15), Schedule 5, paragraph 11(4), the National Health Service Reform and Health Care Professions Act 2002 (c. 17), Schedule 3, paragraph 7(2) and the 2003 Act, Schedule 11, paragraph 14.

(7) Paragraph (1)(f) of regulation 3 was inserted by S.I. 1998/667 and amended by S.I. 1998/2217 and 2002/2469.

(8) Regulation 4A was inserted by S.I. 1997/646; paragraph (6), as previously inserted by S.I. 1998/667, was substituted by S.I. 2000/606 and amended by S.I. 2002/2469.