



Community Care and Health (Scotland) Act 2002

2002 asp 5

PART 3

HEALTH

Health Boards' lists

18 Services lists and supplementary lists

(1) After section 17E of the 1978 Act there is inserted—

“17EA Services lists

- (1) Regulations may make provision for the preparation and publication by each Health Board of one or more lists of medical practitioners approved by the Board to perform personal medical services—
 - (a) in accordance with section 17C arrangements; or
 - (b) in connection with the provision of such services under a pilot scheme.
- (2) Such a list is in this Act referred to as a “services list”.
- (3) A medical practitioner whose name is not included in the Board’s medical list or supplementary list may not perform medical services in the Board’s area—
 - (a) in accordance with such arrangements; or
 - (b) in such connectionunless his name is included in the Board’s services list as that of a person approved to do so.
- (4) The regulations may (either or both)—
 - (a) make provision for the application (with such modifications as the Scottish Ministers think fit) to services lists or to persons who are, have been or seek to be included in a services list, of;

Status: This is the original version (as it was originally enacted).

- (b) in relation to such lists and persons, make provision analogous to any provision made by,
any regulations made under this Act in relation to medical lists or to persons who are, have been or seek to be included in a medical list.

17EB Application for inclusion in services list

- (1) No medical practitioner—
- (a) who is a national of a member State and is registered by virtue of a qualification granted in a member State shall be entitled to have his name included in a Health Board’s services list unless he satisfies the Board that he has that knowledge of English which, in the interests of himself and his patients, is necessary for the performance of personal medical services in the Board’s area; or
 - (b) shall be so entitled unless he is suitably experienced.
- (2) For the purposes of subsection (1)(b) a medical practitioner is “suitably experienced” if, but only if, he either—
- (a) has acquired such medical experience as may be prescribed; or
 - (b) is by virtue of regulations made under this subsection, being regulations analogous to those made under section 22, exempt from the need to have acquired that experience,
- and “medical experience” includes hospital experience in any speciality.
- (3) Subsections (2) and (3) of section 22 apply in relation to regulations under subsection (2) above as they apply in relation to regulations under that section except that, for that purpose, the reference in subsection (2) of that section to the “prescribed experience” shall be construed as a reference to the medical experience prescribed by virtue of paragraph (a) of subsection (2) above.”.

- (2) After section 24A of that Act there is inserted—

“24B Supplementary lists

- (1) Regulations may make provision for the preparation and publication by each Health Board of one or more lists of medical practitioners approved by the Board to assist in the provision of general medical services.
- (2) Such a list is in this Act referred to as a “supplementary list”.
- (3) A medical practitioner whose name is not included in the Board’s medical list or services list may not assist in the provision of general medical services in the Board’s area unless his name is included in the Board’s supplementary list.
- (4) The regulations may (either or both)—
 - (a) make provision for the application (with such modifications as the Scottish Ministers think fit) to supplementary lists or to persons who are, have been or seek to be included in a supplementary list, of;
 - (b) in relation to such lists and persons, make provision analogous to any provision made by,
any regulations made under this Act in relation to medical lists or to persons who are, have been or seek to be included in a medical list.

24C Application for inclusion in supplementary list

- (1) No medical practitioner—
 - (a) who is a national of a member State and is registered by virtue of a qualification granted in a member State shall be entitled to have his name included in a Health Board’s supplementary list unless he satisfies the Board that he has that knowledge of English which, in the interests of himself and his patients, is necessary for him to assist in the provision of general medical services in the Board’s area; or
 - (b) shall be so entitled unless he is suitably experienced.
- (2) For the purposes of subsection (1)(b) a medical practitioner is “suitably experienced” if, but only if, he either—
 - (a) has acquired such medical experience as may be prescribed; or
 - (b) is by virtue of regulations made under this subsection, being regulations analogous to those made under section 22, exempt from the need to have acquired that experience,and “medical experience” includes hospital experience in any speciality.
- (3) Subsections (2) and (3) of section 22 apply in relation to regulations under subsection (2) above as they apply in relation to regulations under that section except that, for that purpose, the reference in subsection (2) of that section to the “prescribed experience” shall be construed as a reference to the medical experience prescribed by virtue of paragraph (a) of subsection (2) above.”

19 Representations against preferential treatment

In Schedule 1 to the National Health Service (Primary Care) Act 1997 (c. 46) (which applies in certain circumstances where a determination is made that a medical practitioner is to be given preferential treatment on making an application to be included in a Health Board’s medical list after ceasing to perform personal medical services in connection with the provision of such services under a pilot scheme), both—

- (a) in paragraph 3(1), at the end; and
- (b) in paragraph 4(1), after the word “area”,

there is added “or that the applicant meets the second condition for disqualification mentioned in section 29 of the 1978 Act”.

Miscellaneous

20 Amendment of Road Traffic Act 1988 and Road Traffic (NHS Charges) Act 1999: payment for treatment of traffic casualties

- (1) In section 157(1)(a) of the Road Traffic Act 1988 (c. 52) (payment for hospital treatment of traffic casualties), for the words “in a place to which the public have a right of access” there is substituted “in some other public place”.
- (2) In section 158(1)(a) of that Act (payment for emergency treatment of traffic casualties), after the word “road” there is inserted “or in some other public place”.

Status: This is the original version (as it was originally enacted).

- (3) In section 1(1)(a) of the Road Traffic (NHS Charges) Act 1999 (c. 3) (payment for hospital treatment of traffic casualties), after the word “road” there is inserted “or in some other public place”.

21 Amendment of 1978 Act: schemes for meeting losses and liabilities etc. of certain health bodies

In section 85B(2) of the 1978 Act (bodies in respect of which schemes for meeting losses and liabilities may be made)—

- (a) the word “and” which immediately follows paragraph (d) is repealed; and
(b) after paragraph (e), there is inserted—

“; and

- (f) the Mental Welfare Commission for Scotland”.