

HEALTH ACT 1999

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part II - the National Health Service: Scotland

Section 57: Remuneration for Part II services

313. *Section 57* mirrors section 10, achieving the same result for Scotland as section 10 does for England and Wales regarding the remuneration of Part II practitioners (see the note on section 10 for background detail).
314. This section substitutes new sections 28A and 28B of the National Health Service (Scotland) Act 1978. The intention is to legitimise the current practice in relation to the determination of remuneration for Part II practitioners and in particular to ensure that the existing basis by which Health Boards are appointed as determining bodies is put on a firmer footing. It provides for remuneration for Part II services in Scotland to be determined by determining authorities. The determining authority will be the Secretary of State and any Health Board or other person appointed by him.
315. The new section 28A describes how such remuneration can be paid. Subject to sections 19(3) and 25(3) of the NHS (Scotland) Act 1978, remuneration under section 28B may consist of payments by way of salary, fees, allowances or reimbursement of expenses of FHS practitioners such as doctors, dentists, community pharmacists and optometrists in Scotland. Primary Care NHS Trusts in Scotland will be given the function of determination of such GP remuneration as comes from cash-limited funds.
316. Provision is also made for the Secretary of State to consult national representative bodies of each group before making a national determination that would affect the whole of that group. Determinations may be made in several stages, as is currently the case. The changes in the new sections are intended to reflect and validate current practice.