

1982 No. 1279 (S. 152)
NATIONAL HEALTH SERVICE, SCOTLAND
**The National Health Service (General
Medical and Pharmaceutical Services)
(Scotland) Amendment Regulations 1982**

Made - - - - - 2nd September 1982

Laid before Parliament 13th September 1982

Coming into Operation 4th October 1982

In exercise of the powers conferred on me by sections 19, 105 and 108(1) of the National Health Service (Scotland) Act 1978(a) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Amendment Regulations 1982 and shall come into operation on 4th October 1982.

(2) In these regulations “the principal regulations” means the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1974(b).

Amendment of principal regulations

2. In paragraph (1A) of regulation 4 of the principal regulations, in place of the word “he” there shall be substituted the words “either he or both he and any partner of his”.

3. In paragraph (2)(b) of regulation 4 of the principal regulations—

(a) in place of the word “they” there shall be substituted the words “either they or both they and any partner of theirs”

(b) in place of the word “he” there shall be substituted the words “either he or both he and any partner of his”.

4. In paragraph (1)(f) of regulation 31 of the principal regulations in place of the words “and for improvement of premises;” there shall be substituted the words “, for improvement of premises and for qualifying services provided by a spouse or other relative of a doctor;”.

5. In paragraph 10(5) of Part I of Schedule 1 to the principal regulations, in place of the words “for his patients” there shall be inserted the words “to his patients or their personal representatives”.

(a) 1978 c. 29; section 19 was amended by section 7 of the Health Services Act 1980 (c. 53).

(b) S.I. 1974/506, amended by S.I. 1975/696, 1976/1574, 1978/1762, 1981/56, 965.

6. For paragraph 12(2) of Part I of Schedule 1 to the principal regulations there shall be substituted the following—

“(2) Without prejudice to paragraph 11(1), in relation to his obligations under these terms of service, a doctor is responsible for all acts and omissions of any doctor acting as his deputy, whether or not he is a partner or assistant, or of any deputising service, while acting on his behalf, or of any person employed by, or acting on behalf of, him or such a deputy or deputising service: Provided that a doctor shall not be responsible for any act or omission for which a deputy is responsible under sub-paragraph (2A).

(2A) A doctor, whose name is included in the medical list, when acting as a deputy to another doctor whose name is also included in that list, shall be responsible for his own acts and omissions in relation to the obligations under these terms of service of the doctor for whom he acts as deputy and for the acts and omissions of any person employed by him or acting on his behalf.”.

7. At the end of paragraph 20(1) of Part I of Schedule 1 to the principal regulations there shall be inserted the following:—

“(m) for a medical examination to enable a decision to be made whether or not it is inadvisable on medical grounds for a person to wear a seat belt.”.

8. In Part II of Schedule 1 to the principal regulations in place of the words “to the patients to whom I provide other general medical services” there shall be substituted the words “to the patients to whom I or both I and any partner of mine provide other general medical services”.

9. In Part III of Schedule 1 to the principal regulations in place of the words “to patients to whom I provide other general medical services” there shall be substituted the words “to the patients to whom I or both I and any partner of mine provide other general medical services”.

10. In Schedule 4 to the principal regulations there shall be added to the list of enactments opposite item 1 “Part I of the Social Security and Housing Benefits Act 1982”.

New St. Andrew's House,
Edinburgh.
2nd September 1982.

George Younger,
One of Her Majesty's
Principal Secretaries of State

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1974, ("the principal Regulations").

Regulations 2, 3, 8 and 9 amend Regulation 4 and Schedule 1 of the principal Regulations so as to enable a doctor to provide contraceptive services to the patients of any partner or partners, as well as to his own patients, without being obliged to provide such services on an unrestricted basis.

Regulation 4 amends Regulation 31 of the principal Regulations to provide for payments to doctors in respect of certain services provided by a spouse or other relative and is consequential upon the amendment made to section 19 of the National Health Service (Scotland) Act 1978 by section 7 of the Health Services Act 1980 (which requires that such provision be made in the regulations).

Regulation 5 amends paragraph 10(5) of Schedule 1 to the principal Regulations to provide that medical certificates under that paragraph should be issued to patients or their representatives. (The previous wording of paragraph 10(5) provided that certificates should be issued for patients but did not specify to whom they should be issued).

Regulation 6 substitutes two new sub-paragraphs for paragraph 12(2) of Schedule 1 to the principal Regulations. The new paragraph 12(2) provides explicitly that, in relation to his obligations under his terms of service, a general medical practitioner is responsible to the Health Board for the acts and omissions of any doctor acting as his deputy (whether or not he is a partner or assistant) and of any deputising service while acting on the practitioner's behalf. The practitioner is also responsible for the acts and omissions of any staff employed by, or acting on behalf of, the practitioner himself, his deputy or such a deputising service. He will not, however, be responsible for the deputy or the deputy's staff where the deputy is himself on the same medical list as the practitioner. Paragraph 12(2A) provides that, where the deputy is on the same medical list as the general medical practitioner, the deputy is himself responsible for his own acts and omissions and for those of any staff employed by him or acting on his behalf.

Regulation 7 enables a general practitioner to charge a fee for an examination to determine whether on medical grounds it is inadvisable for a patient to wear a seat belt.

Regulation 10 adds Part I of the Social Security and Housing Benefits Act 1982 (c. 24) to the list of enactments for the purpose of which a general practitioner is required to issue a medical certificate free of charge. Part I of that Act provides for the payment of statutory sick pay by employers.

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