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STATUTORY INSTRUMENTS

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**1992 No. 635**

**The National Health Service (General  
Medical Services) Regulations 1992**

**PART IV**

**GENERAL MEDICAL SERVICES OTHER THAN CHILD HEALTH  
SURVEILLANCE SERVICES, CONTRACEPTIVE SERVICES,  
MATERNITY MEDICAL SERVICES AND MINOR SURGERY SERVICES**

**Doctors' lists**

**19.**—(1) In respect of each doctor in its medical list, an FHSA shall prepare and keep up to date a list of—

- (a) the patients in its locality accepted by or assigned to the doctor under this Part, otherwise than as temporary residents; and
- (b) the patients in its locality for whom the doctor has, under paragraph 18 of the terms of service, accepted responsibility during certain periods only.

(2) The FHSA shall from time to time give each doctor in its medical list the information described in Part VII of Schedule 3 with regard to persons included in or removed from his lists.

(3) Subject to regulation 22(7), a person accepted by a doctor for inclusion in his list shall be included in the list from the date on which notification of acceptance is received by the FHSA.

(4) Where a person for whose treatment a doctor is responsible dies, or is absent from the United Kingdom for a period of more than three months, he shall be removed from the doctor's list from the date on which the FHSA first receives notification of the death or that the absence has exceeded three months.

(5) Where a person for whose treatment a doctor is responsible—

- (a) leaves the United Kingdom with the intention of being away for a period of at least three months;
- (b) is in Her Majesty's forces;
- (c) is serving a prison sentence of more than two years or sentences totalling in the aggregate more than that period,

he shall be removed from the doctor's list from the date on which the FHSA first receives notification of the departure, enlistment or imprisonment.

(6) Any removal of a person from a doctor's list caused by the transfer of a person to the list of another doctor, otherwise than in pursuance of a notice under regulation 22(7) or (10), shall take effect—

- (a) from the date on which the FHSA receives notification of the acceptance of the person by the last-named doctor; or

(b) subject to the consent of the FHSA, from such date, being not earlier than the date of that consent, as may be agreed between the doctors.

(7) Any other removal of a person from a doctor's list shall take effect from the date on which notice of removal is sent by the FHSA to the doctor or from such other date, not being earlier than that date, as may be specified in the notice.

### **Application for services**

**20.**—(1) An application to a doctor for inclusion in his list for the provision of general medical services shall be made by delivering to the doctor a medical card or a form of application signed (in either case) by the applicant or a person authorised on his behalf.

(2) An application to a doctor for inclusion in his list may be made (otherwise than by the doctor concerned)—

- (a) on behalf of any child, by either parent, or in the absence of both parents, the guardian or other adult person who has the care of the child; or
- (b) on behalf of any person who is incapable of making such an application, by a relative or other adult person who has the care of such person; or
- (c) on behalf of any person under 18 years of age who is—
  - (i) in the care of an authority to whose care he has been committed under the provisions of the Children Act 1989, by a person duly authorised by that authority,
  - (ii) in the care of a voluntary organisation, by that organisation or a person duly authorised by it.

### **Assignment of persons to doctors**

**21.**—(1) Where—

- (a) a person who is not on the list of any doctor has been refused acceptance by a doctor for inclusion in his list; or
- (b) a person has been refused acceptance by a doctor as a temporary resident,

he may apply to the FHSA for assignment to a doctor, and the provisions of this regulation shall apply in relation to that application.

(2) An application under paragraph (1) shall be made in writing and shall be considered by the FHSA, which shall assign the applicant to such doctor in its medical list as it thinks fit, having regard to—

- (a) the respective distances between the person's residence and the practice premises of the doctors in the part of the locality in question;
- (b) whether within the previous six months the person has been removed from the list of any doctor in that part of the locality at the request of that doctor; and
- (c) such other circumstances, including those concerning the doctors in that part of the locality and their practices, as the FHSA think relevant,

and shall notify the doctor accordingly.

(3) Nothing in paragraph (2) shall—

- (a) require a doctor to provide child health surveillance services, contraceptive services, maternity medical services or minor surgery services for a patient who is assigned to him unless, pursuant to regulation 28, 29, 31 or 33, as the case may be, he has accepted that patient for the provision of such services; or

- (b) enable the FHSA to assign any person to a doctor whose list is at or exceeds the maximum permitted by regulation 24, without the consent of the Secretary of State.
- (4) Where the Secretary of State refuses his consent for the purpose of paragraph (3)(b), and the FHSA is satisfied, after due enquiry, that the person concerned still wishes to be assigned to a doctor it shall, as soon as practicable, assign that person to another doctor or, as the case may be, seek the Secretary of State's consent, where required under paragraph (3)(b), for assignment to another doctor.
- (5) A doctor to whom a person has been assigned by the FHSA under paragraph (2) or (4) may, within 7 days of receiving notice of it, make representations in writing to that FHSA against that assignment.
- (6) Where representations are made under paragraph (5) the FHSA shall, subject to paragraphs (7) and (8), at its next meeting, review its initial assignment and shall either confirm or revise it.
- (7) Where a doctor makes representations under paragraph (5), the FHSA shall, before meeting to confirm or revise the assignment, give that doctor the opportunity to address it in the course of an oral hearing in support of those representations.
- (8) No person who participated in the making of an initial assignment under this regulation shall participate in a review under paragraph (6).
- (9) The FHSA shall, within 7 days of making a determination under paragraph (7), notify the doctor accordingly, and, where an initial assignment made under paragraph (2) has been revised, it shall notify also the patient and the other doctor to whom the patient is assigned under the revised determination.
- (10) A doctor who has made representations under paragraph (5) shall remain responsible for the treatment of the person assigned to him pending notification under paragraph (9) of the confirmation or revision of the assignment by the FHSA.
- (11) The FHSA may exempt from the liability to have persons assigned to him under this regulation any doctor who applies to that FHSA for that purpose, and in considering such an application shall have regard to the doctor's age, state of health and the number of persons on his list and the FHSA shall notify any such doctor in writing of any decision under this paragraph.

### **Change of doctor**

- 22.**—(1) A person who is on a doctor's list of patients may apply to any other doctor providing general medical services for acceptance on that other doctor's list of patients.
- (2) An application for the purposes of paragraph (1) shall be made in accordance with regulation 20.
- (3) A person who has made an application under paragraph (1) and has been refused acceptance by any doctor may apply to the FHSA in whose locality he resides for assignment to a doctor whose name is included in the FHSA's medical list.
- (4) The FHSA shall inform a doctor as soon as practicable of the removal of a patient from his list on transfer to the list of another doctor.
- (5) Subject to paragraphs (6) to (8), the FHSA shall, on the death of, or on the removal or withdrawal from the medical list of the name of any doctor, notify the persons on the list of that doctor of the death, removal or withdrawal.
- (6) Where a successor is appointed to a practice the FHSA shall, by notice in writing, inform the persons on the list of the doctor who last carried on that practice of the name of the successor (and, if more than one, of each of them) and of the names of any partners and of the address of their practice premises.

(7) The notice mentioned in paragraph (6) shall state that the person to whom it is given will be deemed, from the date specified in the notice, to be on the list of a named successor, unless that person within 14 days of that date gives notice in writing to the FHSA that he does not wish to be included in that list.

(8) Where no successor is to be appointed to a practice, the FHSA shall notify the persons on the list of the doctor who last carried on that practice of their right to apply to another doctor in the medical list for acceptance.

(9) A doctor who has returned to his practice at the end of a period of relevant service shall, within one month of his return, notify the FHSA in writing that he has resumed practice.

(10) Where the FHSA has been so notified it shall, within 28 days, send a notice to every person who—

- (a) was on the doctor's list at the beginning of such service; and
- (b) is still residing at the address at which he was then residing and who has been transferred by reason only of the doctor's departure on relevant service to the list of another doctor,

stating that the first doctor has resumed practice and that the person will be restored to his list unless, not later than 14 days after the date of the notice, that person gives notice in writing to the FHSA that he wishes to remain on the list of the other doctor.

(11) After the expiry of the period of 14 days mentioned in paragraph (10), the FHSA shall inform each of the other doctors concerned of the persons who are transferred from his list to the list of the first doctor and shall also inform each of those other doctors of the persons who have elected to remain on his list.

(12) Where a doctor is relieved of the obligation to provide services at certain periods under paragraph 18 of the terms of service—

- (a) the FHSA shall notify the persons on his list of the fact and the terms of the relief; and
- (b) if the doctor subsequently resumes responsibility for providing services at all times, the FHSA shall notify the persons on his list of the fact.

(13) Nothing in this regulation shall require the FHSA to give any notice concerning the making or termination of arrangements under regulation 25.

### **Removal from doctor's list**

**23.—**(1) Where a person no longer wishes to avail himself of general medical services—

- (a) he may at any time give notice to the FHSA that he wishes to be removed from a doctor's list; and
- (b) the FHSA shall notify him and the doctor concerned that on a specified date, being 14 days after the date of the receipt of the notice by the FHSA, his name will be removed from the doctor's list.

(2) Subject to paragraph (4), where the FHSA is satisfied that a person on the list of a doctor providing general medical services in its locality no longer resides at a place where that doctor is under an obligation under these Regulations to visit and treat him, the FHSA shall—

- (a) inform that person and the doctor that the doctor is no longer obliged to visit and treat the person;
- (b) advise the person either to obtain the doctor's agreement under paragraph 13(1)(b)(ii) of the terms of service to visit him if his condition so requires, or to seek acceptance by another doctor; and

- (c) inform the person that if, after the expiration of 30 days from the date of the letter of advice mentioned in sub-paragraph (b), he has not acted in accordance with the advice, the FHSA will remove him from the doctor's list.
- (3) If at the expiration of the period of 30 days referred to in paragraph (2)(c) the FHSA has not been notified of the action taken, it shall remove the patient from the doctor's list and inform him and the doctor accordingly.
- (4) Where a person on the list of a doctor providing general medical services has moved to an address outside the FHSA's locality or the address of that person is no longer known to the FHSA, the FHSA shall—
  - (a) give to that doctor notice in writing that it intends, at the end of the period of six months commencing with the date of the notice, to remove the person from the doctor's list; and
  - (b) at the end of that period, remove the person from the doctor's list, unless within that period the doctor satisfies the FHSA that he is still responsible for providing general medical services for that person, including visiting and treating him when necessary.
- (5) Where the FHSA receives particulars of persons who are pupils at, or staff or residents of, a school or residential institution where a doctor provides general medical services, it shall remove from that doctor's list any persons appearing on his list as pupils at, or staff or residents of, that school or institution who are not shown in those particulars.
- (6) Where the FHSA has made a request to a school or residential institution to provide the particulars mentioned in paragraph (5) and has not received them, it may, after consulting the doctor, remove from the doctor's list any persons appearing on the list as pupils at, or staff or residents of, the school or institution.

#### **Limitation on number of persons on doctors' lists**

**24.—**(1) This regulation applies as to the aggregate maximum number (“the maximum number”) of persons a doctor may have on his list in all localities in which he provides general medical services in addition to—

- (a) any persons for whom under paragraph 18 of the terms of service he has accepted responsibility during certain periods only; and
  - (b) any persons whom he has accepted for the provision of contraceptive services only.
- (2) Except as otherwise provided in this regulation, the maximum number shall be—
- (a) 3,500, for a doctor carrying on practice otherwise than as an assistant or in a partnership;
  - (b) 4,500 for a doctor carrying on practice in partnership, subject to a maximum average of 3,500 for each of the partners in the practice,

and, where the doctor employs an assistant, such further number not exceeding 2,000 for each assistant as the FHSA, or, on appeal, the Secretary of State, may decide in the light of the circumstances of the practice and the amount of time given to it by any assistant.

(3) For the purposes of determining the maximum number of persons on the list, the number of persons on the list of an assistant who is a doctor with a list of his own, shall be regarded as being on the list of the doctor by whom he is employed.

- (4) For the purposes of paragraph (2), a doctor who is in partnership shall be deemed to be an assistant, and not a partner, unless the FHSA or, on appeal, the Secretary of State is satisfied that—
- (a) he discharges the duties and exercises the powers of a partner in connection with the practice of the partnership; and,
  - (b) either—

- (i) in the case of a full-time doctor, he is entitled to a share of the profits which is not less than one third of the share of the partner with the greatest share, or
- (ii) in the case of a three-quarter-time doctor, he is entitled to a share of the profits which is not less than one quarter of the share of the partner with the greatest share, or
- (iii) in the case of a half-time doctor, he is entitled to a share of the profits which is not less than one fifth of the share of the partner with the greatest share, or
- (iv) in the case of a job-sharing doctor who practises in partnership with another job-sharing doctor and at least one further doctor, he is entitled to a share of the profits which, when added to the share of the other job-sharing doctor with whose hours his hours are being aggregated for the purposes of regulation 15(1)(d), is not less than one third of the share of the member of the partnership with the greatest share.

(5) The FHSA shall notify each doctor of the number of patients on his list as at the first day of each period of three months ending 31st March, 30th June, 30th September and 31st December and of the number of any excess over the maximum number.

(6) Subject to paragraphs (10) to (12), if there is an excess, the doctor shall, within two months from the date on which the excess was notified to him, take steps to reduce his list to the maximum number by—

- (a) taking a partner;
- (b) engaging an assistant; or
- (c) notifying the FHSA of the names of the necessary number of patients on his list whom he wishes to have removed from his list under paragraph 9 or 10 of the terms of service,

and if at the end of that time such measures have not been completely effective, the FHSA shall remove from his list the necessary number of patients, the selection of such patients being at the discretion of the FHSA.

(7) Where—

- (a) a doctor gives notice under paragraph (6)(c); or
- (b) a doctor whose name is included in the medical list in respect of more than one address and who ceases to practise at one of them, informs the FHSA of his wish to have removed from his list the persons who would have attended for treatment at the address at which he will no longer practise,

the FHSA shall, subject to paragraph (8), send a notice to each person so named to inform him that he should apply to another doctor for acceptance.

(8) Where the FHSA, after consulting the Local Medical Committee, accepts an application from the doctor for the notices under paragraph (7) to name another doctor who—

- (a) is willing to accept the person on his list; and
- (b) has given his written consent in circumstances where such acceptance will not result in an excess number of patients on that other doctor's list (or if that other doctor is in partnership, on the average of the partnership lists),

the notices shall be issued accordingly and the name of any such person shall be included on the list of the doctor named in the notice until such time as the person has chosen another doctor or has informed the FHSA in writing that he wishes not to be so included.

(9) Where an excess number of patients is due to—

- (a) the creation of a partnership of which the doctor is a member; or
- (b) the death or retirement of a partner or the cessation of employment of an assistant in circumstances where the doctor is actively seeking a new partner or assistant,

the FHSA may, on the doctor's undertaking not to accept further patients other than the children of existing patients, permit him to retain, for such period not exceeding nine months as it may determine from the date of the event which gave rise to the excess number, all the patients on his list (and in a case within sub-paragraph (b) above, on the list, if any, of his former partner or assistant) at that date.

(10) In carrying out its function under this regulation the FHSA shall consult as necessary with any other FHSA whose medical list includes a doctor concerned.

(11) Nothing in this regulation shall—

- (a) restrict a doctor from accepting persons who apply to him as temporary residents; or
- (b) exempt him from any liability under the terms of service to give treatment immediately required to any person who applies for acceptance or to give emergency treatment.

(12) An appeal under paragraph (2) or (4) shall be made by sending to the Secretary of State a notice of appeal within 30 days of the date on which notice of the decision of the FHSA was given and the notice of appeal shall contain a concise statement of the grounds of appeal.

(13) The Secretary of State shall, on receipt of any notice of appeal under this regulation, send a copy of that notice to the FHSA.

(14) The FHSA may, within 30 days from the date on which the Secretary of State sent a copy of the notice of appeal, submit representations in writing to him on the appeal.

(15) On any appeal pursuant to paragraph (2) or (4), the Secretary of State may, if he thinks fit, hold an oral hearing and in such a case shall—

- (a) appoint one or more persons to hear the appeal who shall report to him on the appeal; and
- (b) not less than 14 days before the date fixed for the hearing, give notice in writing to the appellant and to the FHSA.

(16) The Secretary of State shall, upon determination by him of an appeal under this regulation, give notice of his decision in writing, together with the reasons for it, to the appellant and to the FHSA.

### **Temporary provision of services**

**25.—**(1) This regulation applies to the making of arrangements for the temporary provision of general medical services.

(2) Where a doctor ceases to be included in the medical list or his registration is suspended as mentioned in section 29(8) of the Act<sup>(1)</sup>, the FHSA may, after consultation with the Local Medical Committee—

- (a) make arrangements, for the temporary provision of general medical services for that doctor's patients, which may consist of or include the appointment of one or more doctors to undertake the treatment of such persons; and
- (b) where—
  - (i) the doctor was included in a medical list by virtue of regulation 4(1)(a) and ceases by reason of death to be so included, and
  - (ii) within 7 days of the date of death, any person applies to the FHSA in writing on behalf of the estate of that doctor for the appointment of one or more named doctors, appoint one or more of the named doctors to undertake the treatment of the deceased doctor's patients.

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(1) Section 29(8) was amended by paragraph 2(2) of Schedule 6 to the Health and Social Services and Social Security Adjudications Act 1983 (c. 41).

(3) The FHSA may make such arrangements as it thinks fit for the accommodation and other needs of any doctor appointed under paragraph (2) and, in the case of any doctor appointed under paragraph (2)(b), shall, where practicable, first consult the person who applied to it for the appointment of that doctor.

(4) Subject to paragraph (10), arrangements under paragraph (2) shall subsist for such period as the FHSA may determine, but not beyond the date on which the vacancy is filled or the suspension referred to in paragraph (2) ceases to have effect.

(5) Where it appears to the FHSA, after consultation with the Local Medical Committee, that a doctor is incapable of adequately carrying out his obligations under the terms of service because of his physical or mental condition, it may require him to be medically examined.

(6) Where the FHSA is satisfied—

- (a) after receiving from the Local Medical Committee a report under paragraph (9), that because of his physical or mental condition; or
- (b) that because of his continued absence,

a doctor's obligations under the terms of service are not being adequately carried out, it may, after consultation with the Local Medical Committee and with the consent of the Secretary of State, make arrangements for the temporary provision of general medical services for that doctor's patients which may consist of or include the appointment of one or more doctors to undertake the treatment of such persons, and may vary such arrangements as necessary.

(7) Subject to paragraph (10), arrangements under paragraph (6) shall subsist for such period as the FHSA may determine, but not, in a case to which paragraph (6)(a) applies, beyond the date (if any) on which the FHSA is satisfied, after consulting the Local Medical Committee, that the doctor is fit to resume his practice.

(8) Before varying or terminating any arrangements made under paragraph (6), but after consulting the Local Medical Committee, the FHSA may require the doctor to be medically examined.

(9) Where under paragraph (5) or (8) a doctor is required to be medically examined—

- (a) he shall submit himself for medical examination by a doctor appointed by the Local Medical Committee; and
- (b) the Local Medical Committee, having considered the report of the examining doctor, shall make a report in writing to the FHSA as to the doctor's fitness to carry out his obligations under the terms of service.

(10) Where the FHSA proposes that the arrangements under paragraph (2) or (6) shall continue—

- (a) for longer than one year;
- (b) for such shorter period as the Secretary of State may specify in any particular case; or
- (c) beyond any further such period,

it shall so notify the Secretary of State in writing not less than 30 days, or as soon as is practicable, before the expiry of that period or further period and shall, in each case, obtain the consent of the Secretary of State to the continuance of the arrangements.

(11) The FHSA shall—

- (a) give reasonable notice in writing of the termination of arrangements under paragraph (2) or (6) to the doctor with whom they were made; and
- (b) as soon as is practicable, notify the Secretary of State in writing that such termination has taken place.



(12) The FHSA shall, where practicable, notify in writing any doctor for the treatment of whose patients arrangements are made under this regulation of such arrangements and of their variation or termination.

(13) A doctor appointed under this regulation shall agree in writing to be bound throughout his appointment by the terms of service which were applicable to the doctor the treatment of whose patients he is appointed (with or without other doctors) to undertake, except that nothing in this regulation shall require him to provide child health surveillance services, contraceptive services, maternity medical services or minor surgery services which he has not undertaken to provide.

(14) Any person on the list of the doctor for the treatment of whose patients arrangements are made under this regulation shall be deemed to remain on that list while those arrangements subsist, unless that person is transferred to the list of another doctor, and any person who applies to the doctor appointed under this regulation for acceptance shall, if accepted, be recorded by the FHSA as being—

- (a) where that doctor is included in the medical list by virtue of regulation 4(1)(a), on his list; and
- (b) in any other case, on the list of the doctor for the treatment of whose patients arrangements are made under this regulation.

(15) The FHSA—

- (a) may deduct from the remuneration of a doctor—
  - (i) for the treatment of whose patients arrangements are made under paragraph (6), or
  - (ii) consequent upon the suspension of whose registration arrangements are made under paragraph (2)(a),the cost, in whole or in part, of any such arrangements; and
- (b) in the case of a doctor performing relevant service, shall deduct from his remuneration the cost of any such arrangements.

(16) In the application of the Act to the making of arrangements for the temporary provision of general medical services and the provision of such services in pursuance of those arrangements—

- (a) section 29(4) (which prohibits, with exceptions, payment of a fixed salary) shall have effect as if the words “otherwise than temporarily” were inserted after the words “general medical services”; and
- (b) section 30(1A) (which contains requirements as to knowledge of English) shall apply to a doctor appointed under this regulation, and in respect of any such doctor section 30(1A) shall have effect as if for the words from “shall be entitled” to “referred to the Medical Practices Committee” there were substituted the words “shall be appointed to provide general medical services temporarily” and as if the words “and where” to the end of the subsection were omitted.

### **Temporary residents**

**26.**—(1) A person requiring treatment who—

- (a) is not on the list of a doctor providing general medical services in the area of the locality where he is temporarily residing;
- (b) normally resides in a school or similar institution in the locality but is temporarily residing at home in that locality;
- (c) normally resides at home in the locality but is temporarily residing in any institution in that locality; or
- (d) is moving from place to place and is not for the time being resident in any place,

may apply to any doctor providing services in the locality in which he is temporarily resident to be accepted by him as a temporary resident.

(2) For the purposes of paragraph (1), a person shall be regarded as temporarily resident in a place if, when he arrives in that place, he intends to stay there for more than 24 hours but not more than 3 months.

(3) Subject to paragraph (4), a person mentioned in sub-paragraph (a), (b) or (c) of paragraph (1) who is accepted as a temporary resident shall not be removed from the list of any doctor in which he is already included.

(4) If the FHSA for the locality in which the temporary resident is included in any doctor's list is satisfied, after due enquiry—

- (a) that his stay in the locality of temporary residence has exceeded 3 months; and
- (b) that he has not returned to that FHSA's locality,

it shall thereupon remove him from that doctor's list and, if practicable, inform him of that fact and of his entitlement to seek acceptance by any doctor, including the doctor by whom he has been treated as a temporary resident, in the locality in which he is living, and of the name and address of the FHSA for that locality.