
STATUTORY INSTRUMENTS

1995 No. 416

The National Health Service (General Medical Services) (Scotland) Regulations 1995

PART I

general

Citation and commencement

1. These Regulations may be cited as the National Health Service (General Medical Services) (Scotland) Regulations 1995 and shall come into force on 31st March 1995.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the National Health Service (Scotland) Act 1978;

“the 1990 Act” means the National Health Service and Community Care Act 1990⁽¹⁾;

“appliance” means an appliance which is a listed appliance within the meaning of section 27(1) of the Act⁽²⁾;

“appropriate non-proprietary name” means a non-proprietary name which is not mentioned in Schedule 10 or, except where the conditions in paragraph 31(2) of the terms of service for doctors are satisfied, in Schedule 11;

“area” means in relation to a Board the area for which the Board is constituted;

“Area Medical Committee” means the committee of that name for the area of a Board recognised under section 9 of the Act;

“Area Pharmaceutical Committee” means the committee of that name for the area of a Board recognised under section 9 of the Act;

“assistant” means a doctor who is acting as an assistant to a doctor on the medical list and for the purposes of paragraph 18 of Schedule 1 shall include a trainee general practitioner;

“Board” means Health Board within the meaning of the Act;

“child” means a person who has not attained the age of 16 years;

“child health surveillance list” shall be construed in accordance with regulation 28;

“child health surveillance services” means the personal medical services described in regulation 29 and in Schedule 3;

“contraceptive services” has the same meaning as in regulation 3(1)(c);

“doctor” means a registered medical practitioner;

⁽¹⁾ 1990 c. 19.

⁽²⁾ Section 27(1) was amended by the Health Services Act 1980 (c. 53), section 20 and by the 1990 Act, Schedule 9, paragraph 19(7)(a).

“domiciliary visit” means a visit to either—

- (a) the place where the patient resides, or
- (b) the place, other than a doctor’s practice premises, where the doctor is obliged, pursuant to paragraph 13 of the terms of service, to render personal medical services to the patient;

“drugs” includes medicines and chemical reagents;

“Drug Tariff” has the meaning assigned to it in regulation 9 of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995(3);

“full-time doctor” shall be construed in accordance with regulation 15(a);

“group practice” means an association of two or more doctors both or all of whom—

- (a) have their names included in the medical list of a Board,
- (b) co-ordinate in the course of regular contact among them, the provision of personal medical services to their patients in fulfilment of their obligations under Schedule 1, and
- (c) conduct and manage their practices from at least one common set of practice premises;

“half-time doctor” shall be construed in accordance with regulation 15(c);

“health centre” means premises provided by the Secretary of State in accordance with the provisions of section 36(1)(b) of the Act;

“job-sharing doctor” shall be construed in accordance with regulation 15(d);

“Local Directory” means the Local Directory of Family Doctors maintained by a Board in accordance with regulation 6;

“maternity medical services” means the provision of personal medical services during and following pregnancy and labour in respect of all conditions arising therefrom by a doctor who has agreed to provide such services;

“medical card” means a card issued to a person for the purpose of enabling him to obtain, or establishing his title to receive, general medical services other than child health surveillance services, contraceptive services, maternity medical services and minor surgery services;

“medical list” has the meaning assigned to it in regulation 4(1);

“medical officer” means a doctor in the service of the Department of Social Security;

“Medical Practices Committee” means the Scottish Medical Practices Committee constituted in accordance with section 3(1) of the Act;

“medical records” means, in relation to any patient, the records kept in respect of that patient in accordance with paragraph 33 of the terms of service;

“minor surgery list” shall be construed in accordance with regulation 32;

“minor surgery services” means the personal medical services described in regulation 33 and in Schedule 4;

“pharmacist” means a registered pharmacist within the meaning of the Medicines Act 1968(4) who provides pharmaceutical services, or a person lawfully conducting a retail pharmacy business in accordance with section 69 of that Act who provides such services;

“practice area” means the area in which a doctor is under an obligation to visit patients either by virtue of his application for inclusion in the medical list or of any variation therein in accordance with the regulations or terms of service;

(3) S.I. 1995/414.

(4) 1968 c. 67.

“practice premises” means, in relation to any doctor, the premises at which he is obliged under the terms of service to attend at specified times in order to be consulted by, or to provide treatment or other services for his patients;

“relevant service” means whole-time service in the armed forces of the Crown in a national emergency as a volunteer or otherwise, or compulsory whole-time service in those forces, including service resulting from any reserve liability, or any equivalent service by a person liable for compulsory whole-time service in those forces;

“restricted doctor” shall be construed in accordance with regulation 15(e);

“restricted list principal” means a doctor who has undertaken to provide general medical services only to a restricted category of patients identified by reference to their connection with a particular establishment or organisation;

“restricted services principal” means a doctor who has undertaken to a Board to provide general medical services limited to—

- (a) child health surveillance services;
- (b) contraceptive services;
- (c) maternity medical services; or
- (d) minor surgery services,

or to any combination of the above;

“scheduled drug” means a drug or other substance specified in Schedule 10 or, except where the conditions in paragraph 31(2) of the terms of service for doctors are satisfied, in Schedule 11;

“temporary resident” has the meaning assigned to it in regulation 26(2);

“terms of service” means the terms of service for doctors which are contained or referred to in Schedule 1;

“three-quarter-time doctor” shall be construed in accordance with regulation 15(b);

“trainee general practitioner” means a doctor who is being trained in general practice;

“treatment” means medical attendance and treatment, and includes the issue of certificates referred to in Schedule 9 being medical certificates reasonably required under, or for the purpose of, any enactment and the keeping and forwarding of any records and the furnishing of any information in accordance with the terms of service set out in Schedule 1, but does not include child health surveillance services, contraceptive services, maternity medical services or minor surgery services unless the doctor has undertaken by arrangement to provide such services to the person concerned.

(2) Except where expressly provided to the contrary, any document which is required or authorised to be given or sent to a person or body under these Regulations (including the terms of service) may be given or sent by delivering it to that person or, in the case of a body, to the secretary or general manager of that body or by sending it in a pre-paid envelope addressed to him or, in the case of a body, to the secretary or general manager of that body at his usual or last known address.

(3) Unless the context otherwise requires—

(a) any reference in these Regulations—

- (i) to a numbered regulation is a reference to the regulation bearing that number in these Regulations,
- (ii) to a numbered Part or Schedule is a reference to the Part of, or Schedule to, these Regulations bearing that number,
- (iii) to a form thereby prescribed includes a form substantially the same; and

- (b) any reference in a regulation or in a Schedule to these Regulations to a numbered paragraph is a reference to the paragraph bearing that number in that regulation or Schedule.

Scope and terms of service

3.—(1) The arrangements with doctors for the provision of general medical services which it is the duty of a Board under section 19 of the Act to make shall include arrangements for the provision of—

- (a) all necessary and appropriate personal medical services of the type usually provided by general medical practitioners;
- (b) child health surveillance services;
- (c) contraceptive services, that is to say—
 - (i) the giving of advice to women on contraception,
 - (ii) the medical examination of women seeking such advice,
 - (iii) the contraceptive treatment of such women, and
 - (iv) the supply to such women of contraceptive substances and appliances;
- (d) maternity medical services; and
- (e) minor surgery services.

(2) The arrangements to which paragraph (1) refers shall incorporate the terms of service set out in Schedule 1, and Schedules 5, 6 and 7 shall have effect for the purposes of paragraphs 12, 24 and 35 respectively of the terms of service.

PART II

the medical list

Medical list

4.—(1) A Board shall prepare a list, to be called “the medical list”, of the names of doctors—

- (a) entitled to be included in the medical list pursuant to regulations 9 and 17; and
- (b) appointed under regulation 24, who in respect of their appointment shall be included in the medical list only for the duration of such appointment.

(2) The medical list shall be divided into five Parts as follows:—

- (a) Part I shall contain the names of doctors who are full-time doctors;
- (b) Part II shall contain the names of doctors who are three-quarter-time doctors;
- (c) Part III shall contain the names of doctors who are half-time doctors;
- (d) Part IV shall contain the names of doctors who are job-sharing doctors;
- (e) Part V shall contain the names of doctors who are restricted doctors.

(3) A Board shall when including the name of any doctor in its medical list include the name in that Part of the list which is, by virtue of paragraph (2), appropriate in the case of that doctor, having regard to the nature of any condition imposed in relation to him by the Medical Practices Committee under regulation 15.

(4) A doctor shall be included in the medical list for the purpose of undertaking to provide general medical services which include, exclude or are limited to any or all of the following:—

- (a) child health surveillance services;

- (b) minor surgery services;
- (c) maternity medical services;
- (d) contraceptive services;

and, if the doctor so requests, the provision by him of contraceptive services may be restricted to patients to whom either he or both he and any partner of his have undertaken to provide other general medical services.

(5) The medical list shall, in respect of the doctors whose names are included therein, by marks or otherwise, indicate—

- (a) which of them have undertaken to provide general medical services including maternity medical services or general medical services limited to maternity medical services;
 - (b) the names of which of them are included in either or both of the child health surveillance list and the minor surgery list;
 - (c) except in the case of doctors who have requested otherwise which of them have undertaken to provide contraceptive services, and if so
 - (i) whether they have so undertaken in respect only of patients to whom either they or both they and any partner of theirs provide other general medical services, or
 - (ii) those doctors who have so undertaken without such restriction;
 - (d) which of them have under paragraph 17(2) of the terms of service been relieved of the responsibility of providing the services referred to in paragraph 11 of the said terms at certain times, and against those doctors' names, the doctors with whom the Board has made arrangements for the provision of the said services at such times;
 - (e) which of them are included on the medical list only by virtue of their appointment under regulation 24;
 - (f) whether they are restricted list principals or restricted services principals.
- (6) The medical list shall contain in addition to the name of a doctor—
- (a) the address of the practice premises where he agrees to attend for the purpose of treating persons, and the telephone numbers at which he is prepared to receive messages;
 - (b) particulars of the days and hours when he agrees to be in attendance at such premises;
 - (c) particulars of any days and hours when an appointments system is in operation;
 - (d) where he practises in partnership, the name of each partner;
 - (e) where he participates as a member of a group practice, the name of each other doctor in that group practice;
 - (f) where he is acting as an assistant, the name of the principal;
 - (g) an indication of the geographical boundary of his practice area by reference to a sketch, diagram or plan and details of any conditions as to his practice area attached to the granting of his application by the Medical Practices Committee or, on appeal, by the Secretary of State;
 - (h) if the Board thinks fit, details of that part of its area in which the doctor undertakes to provide treatment; and
 - (i) provided that the doctor consents to its inclusion, his date of birth or, if he does not so consent, the date of his first full registration as a medical practitioner (whether pursuant to the Medical Act 1983(5) or otherwise).

(7) For the purposes of paragraph (6) a partner shall include any partner who is otherwise deemed under these Regulations to be an assistant and an assistant shall not include such a person.

Amendment of or withdrawal from the medical list

5.—(1) A doctor shall, unless it is impracticable for him to do so, give notice to the Board within 30 days of any occurrence requiring a change in the information recorded about him in the medical list.

(2) A doctor shall, unless it is impracticable for him to do so, give notice in writing to the Board at least 90 days in advance of any date on which he intends either—

- (a) to withdraw his name from any of the medical list, the child health surveillance list or the minor surgery list; or
- (b) to cease to provide any of the following services, namely child health surveillance services, contraceptive services, maternity medical services, or minor surgery services.

(3) Subject to paragraph (6) the Board shall—

- (a) on receiving notice from any doctor pursuant to paragraph (1), amend the medical list in relation to that doctor; and
- (b) in the case of a notice pursuant to paragraph (2), so amend the medical list, the child health surveillance list or the minor surgery list, as the case may be, either—
 - (i) on the date which falls 90 days after the date of the notice or, if later, the date with effect from which the doctor has indicated in his notice pursuant to paragraph (2) that his name should be withdrawn; or
 - (ii) on the date from which the Board has agreed that the withdrawal or cessation shall take effect,

whichever is the earlier.

(4) Any notice pursuant to paragraph (2) may not be withdrawn except with the consent of the Board.

(5) The Board shall, on being notified by the Medical Practices Committee that it has, in relation to any doctor whose name is included in the medical list, varied under regulation 16 any condition mentioned in paragraph (1)(a)(ii) of that regulation, amend the medical list by including the name of that doctor in that part of the medical list which, having regard to the nature of the condition as varied, is appropriate in his case by virtue of regulation 4(2).

(6) Where, in relation to any doctor, representations are made to the Tribunal under section 29 of the Act (disqualification of practitioners)(6) that his continued inclusion in the medical list would be prejudicial to the efficient provision of general medical services, the doctor shall not, except with the consent of the Secretary of State and subject to such conditions as the Secretary of State may impose, be entitled to have his name removed from the medical list until the proceedings on such representations have been determined.

Local Directory of Family Doctors

6.—(1) Subject to paragraph (2) the Board shall maintain, in addition to a medical list, a list to be known as the Local Directory of Family Doctors (referred to in these Regulations as the “Local Directory”) comprising, in respect of each doctor whose name is included in the medical list, the following information:—

- (a) all information relating to the doctor as is included in the medical list, except—
 - (i) any information so included under regulation 4(5)(d), and

(6) Section 29 was amended by the Health and Social Security Act 1984 (c. 48), Schedule 8, Part I.

- (ii) his date of birth, unless the doctor has agreed to its inclusion in the Local Directory;
 - (b) where the doctor's date of birth is included in the medical list but he has not agreed to its inclusion in the Local Directory, the date of his first full registration (whether pursuant to the Medical Act 1983 or otherwise) as a medical practitioner;
 - (c) the sex of the doctor;
 - (d) details of any medical qualification held by the doctor which he is entitled to have registered pursuant to section 16 of the Medical Act 1983 (registration of qualifications), including the date on which the qualification was awarded;
 - (e) the nature of any clinic provided by the doctor for his patients and the frequency with which it is held;
 - (f) the numbers of assistants and trainee general practitioners employed by him;
 - (g)
 - (i) the number of other persons employed or available at the practice premises to assist the doctor in the provision of medical services under the terms of service,
 - (ii) the nature of the services provided by each such person, and
 - (iii) whether such persons are employed or available full-time or part-time;
 - (h) the terms of any consent granted to the doctor by the Board or, on appeal, by the Secretary of State, in accordance with paragraph 18(7) of Schedule 1 concerning the use of a deputising service;
 - (i) where, and to the extent that the doctor so requests, details of any languages, other than English, spoken by the doctor or by any person referred to in sub-paragraph (f) or (g); and
 - (j) where the doctor so requests, and to the extent that the Board considers it justified, details of any particular clinical interests of the doctor.
- (2) Paragraph (1) shall apply in the case of a restricted list principal or a restricted services principal only to the extent that the Board sees fit.
- (3) The Board may, to the extent that it sees fit also include in the Local Directory other details or information relating to the provision of general medical services, general dental services, general ophthalmic services and pharmaceutical services in its locality under Part II of the Act.
- (4) A doctor shall, in respect of each Local Directory in which information about him is recorded, provide to the Board not later than 30 days following receipt of a request in writing from the Board, so much of the information specified in sub-paragraphs (b) to (h) of paragraph (1) as may be so requested.
- (5) The Local Directory shall include the name of each doctor in alphabetical order.
- (6) Where a doctor practises in partnership or in a group practice with other doctors, the information regarding his practice which falls to be included in the Local Directory in accordance with paragraphs (1)(e), (f), and (g) may, provided each doctor in the partnership, or as the case may be, the group practice agrees, be included in the entry relating to only one of those doctors.
- (7) Without prejudice to the provisions of regulation 37, the Board may compile extracts from the information in the Local Directory in relation to a part or parts of the area of the Board and may make any such extract available to any person to whom, in the opinion of the Board, it is likely to be of interest.
- (8) A doctor shall, unless it is impracticable for him to do so, notify the Board within 30 days of any occurrence requiring a change in the information recorded about him in the Local Directory.
- (9) Following receipt of notification in accordance with paragraph (8) the Board shall forthwith amend the Local Directory accordingly.

Removal from the medical list of names of doctors not providing services

7.—(1) Where the Board, with a view to securing that arrangements are such that all persons in the area who avail themselves of general medical services receive adequate personal care and attendance, has determined in accordance with the provisions of this regulation that a doctor whose name is included in the medical list has for the preceding 6 months not provided general medical services personally for persons in the area, the Board may, after giving the doctor 30 days' notice of its intention to do so, remove his name from such list unless the Secretary of State directs to the contrary as hereinafter provided.

(2) If in the case of a doctor whose name is included in the medical list where—

- (a) the Board has determined that he has not for the preceding 6 months provided general medical services personally for persons in the area, and
- (b) he is a doctor to whom section 19(7) (which deals with suspension of the registration of a doctor) of the Act applies

the Board is satisfied that there is a substantial risk that the existing arrangements for the provision of general medical services including their temporary provision may not result in all persons in the area continuing to receive adequate personal care and attendance, it may after giving the doctor 30 days' notice of its intention to do so, remove his name from the medical list unless the Secretary of State directs to the contrary as hereinafter provided.

(3) Before making any determination under paragraph (1) or (2) the Board shall—

- (a) afford the doctor an opportunity of making representations to the Board in writing or, if he so desires, orally, to a committee appointed by the Board for the purpose, of which committee at least one-third of the members shall be doctors, and
- (b) consult the Area Medical Committee.

(4) A doctor to whom notice has been given under paragraph (1) or (2) may within 21 days of receiving such notice appeal to the Secretary of State against the decision of the Board and, pending the decision on any such appeal, the Board shall not remove the doctor's name from the list by reason of the determination against which appeal has been so lodged. The notice of appeal shall be in writing and shall set out the facts and contentions on which the doctor intends to rely. If the Secretary of State decides to allow the appeal, he shall direct the Board not to remove the name of the doctor from the list by reason of the determination appealed against.

(5) Nothing in this regulation shall affect a doctor who is performing a period of relevant service and no determination under this regulation shall be made in respect of any such doctor until six months after he has completed the said relevant service.

Removal from the medical list on grounds of age

8.—(1) Where a doctor whose name is included in the medical list attains the age of 70 years the Board shall thereupon remove his name from the list.

(2) A Board shall give to any doctor whose name is to be removed from the medical list in accordance with paragraph (1)—

- (a) notice in writing to that effect not less than 12 months nor more than 13 months before the date on which his name is to be removed; and
- (b) a further such notice not less than 90 days nor more than 120 days before that date,

but any failure to give such notice to any doctor as required by sub-paragraph (a) or (b) shall not prevent the removal of that doctor's name from the medical list in accordance with paragraph (1).

Application for inclusion in the medical list

9.—(1) In this regulation and in the following regulations in this Part “the Committee” means the Medical Practices Committee.

(2) Application by a doctor for inclusion in a medical list shall be made by delivering or sending by post to the Board an application in writing which shall include the information and undertakings specified in Part I of Schedule 2.

(3) On receipt of an application from a doctor for inclusion in the medical list, the Board shall subject to the provisions of section 20(1A) of the Act⁽⁷⁾ (which contains requirements as to knowledge of English) send the application to the Committee, together with a report in a form approved by the Committee.

(4) Application by a doctor in the medical list for inclusion among those doctors providing contraceptive services shall be made by delivering or sending by post to the Board an application in the form set out in Part III of Schedule 2.

(5) Any application made by a doctor for inclusion in a medical list shall be supported by such evidence that he is suitably experienced within the meaning of section 21 of the Act as is required by regulation 4 of the National Health Service (Vocational Training) (Scotland) Regulations 1980⁽⁸⁾ and the Board shall send such evidence to the Committee.

Reports by Board to Medical Practices Committee

10.—(1) A Board shall once in every year or at such more frequent intervals as the Committee may require, provide the Committee with such information as may be required by it to enable it to judge the adequacy of the medical services in the area of the Board, or any part thereof, and the Committee may determine that an additional doctor is required in any part of the area of the Board.

(2) When a Board receives notice of the death of a doctor on the medical list or of the withdrawal or removal of a doctor from the medical list (otherwise than in a case where the doctor has given notice of desire to exchange his practice under regulation 12 or the doctor is in relation to the practice a doctor appointed under regulation 24), the Board shall, not later than 14 days after the date of receipt of such notice, inform the Committee and shall, after consultation with the Area Medical Committee, furnish to the Committee a report as to the need for filling the vacancy and the Committee shall determine whether the vacancy should be filled.

(3) Where the Committee decides that under paragraph (1) there is need for an additional doctor or under paragraph (2) that a vacancy should be filled, it shall direct the Board in writing to that effect.

(4) In regulations 11 and 14 the expression “vacancy” means a requirement for—

- (a) an additional doctor as determined by the Committee under paragraph (1); or
- (b) a doctor to succeed to a doctor following a determination by the Committee under paragraph (2).

Succession to vacant medical practices

11.—(1) Where the Board has been directed by the Committee that a vacancy ought to be filled, the Board may, and if so directed by the Committee shall, give public notice of the vacancy in accordance with paragraph (2).

(2) A notice of vacancy to be given under this regulation shall be published in such a manner as the Board subject to any directions given by the Committee, considers is likely to bring the vacancy to the attention of prospective applicants located outside the Board’s area and shall include—

(7) Section 20(1A) was added by S.I. 1981/432.

(8) S.I. 1980/30, amended by S.I. 1981/55, 1982/770, 1983/948, 1984/1258, 1986/1657, 1991/576 and 1994/3130.

- (a) in the case of a vacancy in a practice, details of the nature and location of the practice;
- (b) in the case of a vacancy in relation to which the Committee has indicated that it is likely to impose a condition under section 23(4) of the Act⁽⁹⁾ in relation to an applicant chosen to fill the vacancy, details of any such condition; and
- (c) the closing date for receipt by the Board of any application to fill the vacancy.

(3) An application for a vacancy under this regulation shall be submitted in writing to the Board not later than the date specified in the notice to be given under paragraph (2)(c), shall be accompanied by the applicant's application under regulation 9(2) (application for inclusion in the medical list) and, in addition to any other information specified under paragraph (2), shall include the following information:—

- (a) whether the applicant intends to practise as—
 - (i) a full-time doctor;
 - (ii) a three-quarter-time doctor;
 - (iii) a half-time doctor;
 - (iv) a job-sharing doctor; or
 - (v) a restricted doctor; and
- (b) where the applicant intends to practise as a job-sharing doctor, the name of the other job-sharing doctor with whose hours the applicant's hours are to be aggregated for the purpose of regulation 15(d).

(4) Where a Board receives more than one application for any vacancy it shall select, in accordance with paragraphs (5) to (7), the applicant whose application it wishes to be considered by the Committee.

(5) Before making its selection for the purposes of paragraph (6) the Board shall consult the Area Medical Committee and may give to any applicant for the vacancy an opportunity of making—

- (a) further representations to it in writing;
- (b) where the Board sees fit, representations to it in person.

(6) When the Board has selected an applicant, it shall—

- (a) notify each applicant in writing whether or not he has been selected;
- (b) inform any applicant who has not been selected of his right to appeal to the Secretary of State on a point of law under section 23(2A)(c) of the Act⁽¹⁰⁾; and
- (c) subject to paragraph (7) send the application of the selected applicant to the Committee, indicating in writing that it wishes that application to be considered by the Committee.

(7) An application shall not be sent to the Committee under paragraph (6) until—

- (a) the time has expired for bringing an appeal under section 23(2A)(c) of the Act in connection with the non-selection of any applicant for the vacancy to which the applications relate; or
- (b) where such an appeal is made—
 - (i) the appeal has been determined adversely for the applicant; or
 - (ii) where the appeal is successful, the Board has reconsidered the application in respect of which the appeal was made,

whichever is the later.

(8) The Board shall have regard, in making a selection under paragraph (6)—

⁽⁹⁾ Section 23(4) was amended by the 1990 Act, section 39(3).

⁽¹⁰⁾ Section 23(2A) was inserted by the 1990 Act, section 39(2).

- (a) to any desire expressed by an applicant to practise with other doctors who provide general medical services in the locality and to any wish expressed by such other doctors to take any applicant into practice with them and shall have special regard to these matters in cases where any applicant is a relative of any such doctor; and
 - (b) to any wish expressed by an applicant to provide general medical services as an additional doctor in any part of the area of the Board.
- (9) A doctor who has not been selected to fill a vacancy may appeal on a point of law to the Secretary of State and the provisions of regulation 17 shall apply in relation to any such appeal.
- (10) This regulation does not apply in the case of a doctor who has given notice of his wish to exchange his practice in accordance with regulation 12 or where the doctor is, in relation to the practice, a doctor to whom regulation 24 applies.

Exchange of practices

12.—(1) Where a doctor whose name is included in the medical list of a Board has notified the Board that he desires to exchange practices with another doctor providing general medical services whether in the area of the Board or not, the Board, after such inquiry as it may think necessary and after consultation with the Area Medical Committee, may agree that the exchange should take place and that the second doctor should succeed to the first doctor's practice.

(2) Where the Board agrees as aforesaid, it shall inform both doctors and the Committee of its decision. Both doctors shall agree upon a date when the first doctor will cease to carry on his practice and the second doctor will commence practice and shall notify the Board of this date, which shall not be earlier than 90 days after such notification, unless the Board agrees to an earlier date.

(3) Where the Board does not agree that the exchange should take place as aforesaid, it shall inform both doctors of their right of appeal to the Committee and either doctor with the consent in writing of the other may, within 14 days of receipt of such information, appeal to the Committee which shall determine the appeal.

(4) The procedure for the determination of the appeals to the Committee shall be such as the Committee may determine.

(5) The Committee shall notify both doctors of its determination, which in a case where it determines that the exchange should take place, shall be deemed to be the agreement of the Board and the provisions of paragraph (2) regarding the date of the exchange shall apply.

(6) An exchange of practices shall not take place under the provisions of this regulation unless the exchange takes place within 6 months after the doctors have been notified that the Board has agreed or is deemed to have agreed to the exchange.

PART III

scottish medical practices committee

Appointment of members and tenure and vacation of office

13. The following provisions shall apply to the members of the Medical Practices Committee (in this Part of these Regulations referred to as "the Committee"):

- (a) the chairman and other members in office at the coming into force of these Regulations shall continue to hold office for the periods for which they were respectively appointed;
- (b) subject as hereinafter provided, members shall be appointed for a period of three years expiring on 31st day of March in any year;

- (c) a member may be reappointed to the Committee on the expiration of his term of office;
- (d) a member may resign from the Committee by giving notice in writing to the Secretary of State and a member who is appointed on the basis that he is actively engaged in medical practice shall be deemed to have resigned if he ceases to be so engaged;
- (e) a person appointed to fill a casual vacancy shall hold office for the remainder of the period for which his predecessor in that office was appointed.

Determination of applications

14.—(1) The Committee shall determine applications under section 20 of the Act in accordance with the following paragraphs of this regulation.

(2) When determining an application to fill a vacancy which is made under regulation 11 the Committee shall—

- (a) where the application is the only one for the vacancy or is the one which has been selected by the Board for consideration by the Committee, grant the application;
- (b) where the application is not the one which has been so selected for such consideration, refuse the application.

(3) Subject to paragraph (4) any decision of the Committee involving the refusal of an application or the granting of an application subject to conditions shall be the decision of the majority of members present and voting at a meeting of the Committee.

(4) Three members shall form a quorum and in the case of equality of votes the Chairman shall have a second or casting vote.

Conditions under which general medical services are to be provided

15. Where, for the purposes of section 23(4)(a) of the Act(11), the Committee specifies the provision of general medical services for which an applicant is entitled to be remunerated, it shall do so by reference to the condition that he shall provide such services as—

- (a) a full-time doctor, that is to say a doctor who is to provide general medical services during not less than 26 hours in any week in which he is, pursuant to paragraph 24 of the terms of service, available to provide such services; or
- (b) a three-quarter-time doctor, that is to say a doctor who is to provide such services during less than 26 hours, but not less than 19 hours, in any such week; or
- (c) a half-time doctor, that is to say a doctor who is to provide such services during less than 19 hours, but not less than 13 hours, in any such week; or
- (d) a job-sharing doctor, that is to say a doctor—
 - (i) who is to practise in partnership with another doctor whose name is included in the medical list;
 - (ii) who is himself to provide such services during less than 26 hours in any such week; and
 - (iii) for whom the hours during which he is to be engaged in the provision of such services are, when aggregated with the hours of that other doctor, to amount to not less than 26 hours in any such week; or
- (e) a restricted doctor, that is to say a doctor—
 - (i) who is a restricted list principal or a restricted services principal; and

(11) Section 23(4)(a) was inserted by the 1990 Act, section 39(3).

- (ii) who is to provide general medical services during such number of hours in any week as the Committee shall determine having regard to the range of services to be provided by the doctor and the category of patients to whom the services are to be provided.

Variation of conditions

16.—(1) A doctor whose name is included in a medical list may apply, in accordance with paragraph (2), for the variation of any condition—

- (a) imposed by the Committee—
 - (i) excluding the provision by that doctor of general medical services in a specified part or specified parts of the area of the Board;
 - (ii) under regulation 15 in relation to the extent to which that doctor may carry out remunerated work;
- (b) imposed by the Secretary of State in connection with the determination by him of any appeal from a decision of the Committee.

(2) An application for the purposes of paragraph (1) shall be made in writing to the Board and shall include the information specified in Part II of Schedule 2.

(3) On receipt of an application under this regulation, the Board shall forward the application to the Committee, together with its observations in writing on the application.

(4) The Board shall send to the doctor a copy of the observations it has made on his application, and the doctor may, within 14 days of receiving the copy of the observations, send to the Committee his representations in writing in response to the observations.

(5) The provisions of regulation 14(3) and (4) as respects the constitution and quorum of the Committee shall apply in the case of a decision by the Committee in relation to an application under this regulation as they apply to a decision in relation to an application under that regulation.

(6) The Committee shall not consider an application under this regulation until it has received representations from the doctor under paragraph (4) or until the time allowed under that paragraph for the making of representations has expired, whichever is the earlier.

(7) On consideration of an application under this regulation the Committee—

- (a) shall take account of the observations made by the Board and of any observations made by the doctor in response;
- (b) in deciding the application, may—
 - (i) refuse to vary any condition in respect of which the application was made; or
 - (ii) vary any such condition by imposing in relation to the doctor such other condition mentioned in regulation 15(a) to (e) as has been requested in the application; and
- (c) shall give notice of its decision in writing to the doctor and to the Board.

(8) Where the Committee refuses under paragraph (7)(b) to vary a condition it shall, when it gives notice to the doctor of its decision—

- (a) include with the notice a statement of the reasons for its decision; and
- (b) advise the doctor of his right of appeal under paragraph (9).

(9) A doctor may appeal to the Secretary of State on a point of law against the refusal of the Committee to vary a condition under this regulation, and—

- (a) regulation 17 shall apply to the making and determination of any such appeal;
- (b) where the Secretary of State allows such an appeal, he shall remit the application to the Committee for reconsideration.

Appeal to the Secretary of State

17.—(1) Any appeal to the Secretary of State on a point of law—

- (a) pursuant to section 23(2A)(c) of the Act by a doctor who has not been selected by a Board as mentioned in paragraph (c) of that subsection; or
- (b) pursuant to section 23(5) of the Act(12) by a doctor whose application under section 20 of the Act has been refused by the Committee or has been granted by the Committee subject to conditions; or
- (c) pursuant to regulation 16 (variation of conditions in connection with inclusion in a medical list),

shall be made and determined in accordance with the following paragraphs of this regulation.

(2) A doctor may appeal by sending to the Secretary of State a notice of appeal within 21 days, or within such longer period as the Secretary of State may for reasonable cause allow, of the date on which notice of the decision of the Board or, as the case may be, the Committee is given to him.

(3) A notice of appeal shall contain a concise statement of the point or points of law in respect of which the doctor contends that the decision of the Board or, as the case may be, the Committee is erroneous.

(4) If it appears to the Secretary of State that the appeal is of such a nature that it can properly be determined without a hearing, he may determine the appeal summarily without a hearing and shall send his decision to the appellant, and the Board, or as the case may be, the Committee.

(5) If the Secretary of State is of the opinion that a hearing is required, he shall appoint—

- (a) a person who is an advocate or a solicitor; and
- (b) where the Secretary of State sees fit, one or more other persons,

to hear the appeal.

(6) A hearing shall take place at such time and place as the Secretary of State may direct and notice of the hearing shall be sent by post to the appellant, the Board, or as the case may be, the Committee and any doctor whose application for appointment to the vacancy to which the application relates was granted, not less than 14 days before the date fixed for the hearing.

(7) The appellant and any of the parties to whom notice of the hearing is required to be given may attend and be heard in person or by counsel or solicitor or other representative. The Board, or as the case may be, the Committee may be represented at the hearing by any duly authorised member or official or by counsel or solicitor.

(8) Subject to the provisions of this regulation, the procedure at the hearing shall be such as the person or persons hearing the appeal may determine.

(9) The person or persons hearing the appeal shall report thereon to the Secretary of State, stating the relevant facts and his or their conclusions, and the Secretary of State after taking such report into consideration shall give his decision and send it to the appellant, the Committee, the Board and such doctors as have under the foregoing provisions of this regulation been served with notice of the hearing.

(10) Where, on allowing an appeal, the Secretary of State remits an application to the Board or, as the case may be, the Committee for reconsideration—

- (a) he shall give to the Board or, as the case may be, the Committee such directions as appear to him to be desirable with a view to ensuring the proper determination of the application in accordance with the relevant law; and

(12) Section 23(5) was amended by S.I. 1981/432, by the Health and Medicines Act 1988 (c. 49), Schedule 2, paragraph 10 and by the 1990 Act, section 39(4).

- (b) the Board or, as the case may be, the Committee shall redetermine the application and in so doing shall comply with any directions given by the Secretary of State under subparagraph (a) of this paragraph.

Certificate that transaction does not involve sale of goodwill

18. A certificate issued by the Committee under Schedule 9, paragraph 1(3) to the Act shall be in the form set out in Schedule 8.

PART IV

general medical services other than child health surveillance services,
contraceptive services, maternity medical services and minor surgery services

Selection of doctor

19.—(1) Application by a person to a doctor for acceptance and inclusion in his list shall be made in writing either on the person's medical card or on a form of application.

(2) Application by a person to a doctor for acceptance as a temporary resident shall be made in writing on a form supplied by the Board.

Assignment of persons to doctors

20.—(1) If a person applies to the Board for assignment to a doctor (irrespective of whether or not he is at the date of application included in the list of patients of another doctor), or is deemed to have so applied in accordance with the provisions of paragraph 4(4) of the terms of service, the Board shall assign him to such doctor as it thinks fit (including the doctor in whose list of patients he is presently included), having regard to the distance between the person's place of residence and the premises at which the doctors in the locality carry on practice and to such other circumstances as appear to the Board to be relevant, and shall forthwith give notice in writing of any decision hereunder to—

- (a) the person;
- (b) any doctor to whom the person is assigned by virtue of this regulation; and
- (c) to any other doctor who may be concerned.

(2) A doctor may apply to the Board to be exempted from having assigned to him any person or class of persons and the Board may grant or refuse any application under this paragraph.

(3) Where an application under paragraph (2) relates only to a specified person who has previously been removed from the list of the doctor, the Board shall take into account the circumstances of that removal in deciding whether to grant or refuse the application.

(4) Any doctor of a description specified in paragraph 5 of the terms of service may apply to the Board to be granted relief from liability from emergency calls as provided in that paragraph and the Board may grant or refuse any application hereunder.

(5) Forthwith after it takes any decision in respect of any application under paragraph (2) or (4) the Board shall give notice in writing to the doctor of its decision with its reasons therefor.

(6) A doctor in respect of whom a Board has made a decision ("the initial decision") under paragraph (1), (2) or (4) may, within 7 days of receiving notice of it, make representations in writing to that Board against that decision.

(7) Where a doctor makes representations under paragraph (6) the Board shall give to that doctor the opportunity to address it in the course of an oral hearing in support of those representations.

(8) Any oral hearing under paragraph (7) shall be held within 14 days of receipt by the Board of the representations.

(9) Where representations are made under paragraph (6) the Board shall, subject to paragraph (11), review its initial decision and shall either confirm or revise it.

(10) A doctor who has made representations under paragraph (6) shall remain responsible for the treatment of the person assigned to him pending notification under paragraph (12) of the confirmation or revision of the assignment by the Board.

(11) No person who participated in the making of an initial decision under this regulation shall participate in a review of that decision under paragraph (10).

(12) The Board shall, within 7 days of making a determination under paragraph (9), give notice to the doctor thereof in writing with its reasons therefor, and, where an initial decision made under paragraph (1) has been revised, shall notify also the patient and the other doctor to whom the patient is assigned under the revised determination.

Limitation of number of persons in doctors' lists

21.—(1) Subject to paragraph (2), the maximum number of persons a doctor may have on his list in all areas in which he provides general medical services (in addition to any persons for whom he has accepted responsibility following the granting by the Board of relief to another doctor under paragraph 18 of the terms of service) shall be—

- (a) 3,500 for a doctor carrying on practice otherwise than in partnership;
- (b) 4,500 for a doctor carrying on practice in partnership subject to an average of 3,500 for each of the partners in the practice.

(2) Where a doctor employs, or the doctors carrying on practice in partnership employ, permanently one or more assistants, an addition of not more than 2,000 persons to the list in respect of each assistant, may, with the consent of the Board (or, on appeal, of the Medical Practices Committee), be allowed in the light of the circumstances of the particular case, any such addition in the case of a partnership being disregarded in calculating the average number of persons on the list of the partners for the purposes of sub-paragraph (1)(b).

(3) For the purposes of paragraph (2)—

- (a) where an assistant is included in a medical list the additional number which would otherwise be allowable to his principal in respect of him shall be reduced by the number of persons on his list;
- (b) any additional number to the list allowed in respect of the employment of an assistant shall not apply during any period when no assistant is employed (but a period comprising a short interval between the departure of an assistant and the arrival of his successor may be ignored).

(4) For the purposes of this regulation a doctor shall be deemed to be carrying on practice otherwise than in partnership unless the Board or, on appeal, the Medical Practices Committee is satisfied that he—

- (a) 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, he is entitled to a share of the other profits which, when added to the share of the job-sharing doctor with whose hours his hours are being aggregated for the purpose of regulation 15(d), is not less than one third of the share of the partner with the greatest share.

(5) A doctor who is dissatisfied with the decision of the Board respecting the extent to which the number of persons on his list may be increased by reason of the employment by him of an assistant may appeal against that decision to the Medical Practices Committee by sending to that Committee notice of appeal within 30 days or such longer period as that Committee may allow from the date on which the Board intimates its decision to him, and that Committee, after such inquiry as it may think necessary, shall determine the appeal.

(6) In any appeal under paragraph (5) the Medical Practices Committee shall admit to any hearing of such appeal such persons not exceeding two in number as may be appointed for the purpose by an organisation recognised by the Secretary of State as representative of the medical profession, and shall allow such persons to address the Committee before deciding on the appeal.

(7) Where the Board finds the number of patients on the doctor's list to be in excess of the maximum number allowed in accordance with this regulation it shall notify the doctor who shall, within 60 days from the date on which the excess is notified to him, take steps to reduce his list to the maximum number allowed by—

- (a) entering into partnership; or
- (b) employing an assistant; or
- (c) giving notice to the Board of the names of the necessary number of patients whom he wishes to have removed from his list under paragraph 9 of the terms of service.

(8) If at the end of the said period of 60 days the steps taken by the doctor have not resulted in the number of persons on his list being within the maximum number allowed, the Board shall remove from his list the necessary number of names.

(9) If a doctor gives notice under paragraph (7)(c) or the Board requires to take action under paragraph (8), the Board shall inform each person to be removed that he should apply to another doctor for acceptance.

(10) Where a doctor whose name is included in the medical list in respect of more than one address and who wishes to cease to practise at one such address and who has obtained the consent of the Board, or on appeal, of the Secretary of State, to this change, gives notice to the Board 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 provisions of regulation 22(3), (4) and (6) shall apply, with the necessary modifications, and the Board shall take action accordingly.

(11) In carrying out its functions under this regulation the Board shall consult as necessary with the Board of any adjoining area whose medical list includes the doctor or doctors concerned and if Boards fail to agree on any matter the issue shall be determined by the Secretary of State.

(12) The Board may, in special circumstances, subject to the consent of the Secretary of State and to any conditions he may impose, permit a doctor or partnership to have on his list or their lists such greater number than the maximum number otherwise allowed under this regulation.

(13) Nothing in this regulation shall prevent a doctor from accepting persons who apply to him as temporary residents or exempt him from any liability under paragraph 5 of his terms of service.

Change of doctor

22.—(1) Subject to the requirements of paragraph (2), a person may apply in accordance with regulation 19(1) to any doctor, other than the doctor in whose list he is included, who provides general medical services, for acceptance in that other doctor's list of patients.

(2) A person who has applied, pursuant to paragraph (1), and been refused acceptance by any doctor, may apply to the Board in whose area he is resident to be allocated to any doctor whose name is included in the Board's medical list.

(3) Where a doctor whose name is included in the medical list dies or has his name withdrawn or removed from that list, the Board shall as soon as is practicable make known the fact by individual notices sent to persons, other than to those women who had been accepted by him for the provision of contraceptive services only, on the list of the doctor.

(4) Where one or more doctors have been selected under the provisions of regulation 11 or 12 to succeed to a practice, and the names of any such practitioners are included in the medical list, the Board shall send to the persons on the list of the doctor who last carried on that practice other than to those women who had been accepted by him for the provision of contraceptive services only, a statement of the name and address of the successor in whose list it is considered that the persons in question or any section of them may wish to be included together with an intimation that such a successor is willing to accept the persons concerned for treatment and that they will be deemed to be included in his list as from the date given in the notice unless within 14 days of the said date they have applied to and have been accepted by other doctors, or have given notice in writing to the Board of their desire not to be so included.

(5) Where a woman who has been deemed to be included in the list of a successor in accordance with paragraph (4) has also been accepted by the doctor who last carried on the practice for the provision to her of contraceptive services under regulation 30, and that successor is willing to accept the woman concerned for the provision to her of contraceptive services to at least the same extent as the doctor who last carried on the practice, then she will be deemed from the date given in the notice sent to her under paragraph (4) to be accepted by that successor for the provision of contraceptive services to the like extent to which, and for the remainder of the period for which, she had previously been accepted.

(6) Where no successor is to be appointed to a practice, the Board shall give to the persons on the list of the doctor who last carried on that practice, other than to those women who had been accepted by him for the provision of contraceptive services only, notice of their right to apply to another doctor on the medical list for acceptance.

(7) The terms of notices given under this regulation shall be determined by the Board after consultation with the Area Medical Committee.

(8) A doctor who has performed a period of relevant service in an emergency recognised by the Secretary of State for the purpose of these regulations and has returned to his practice at the end of such service, shall within 30 days of his return notify the Board in writing that he has personally resumed practice. Where the Board has been so notified, it shall within 30 days send a notice to every person whose name was on the doctor's list at the date of the beginning of such service who is still residing at the same address at which he was residing at such date and who has transferred to the list of another doctor. The Board's notice shall state that the former doctor has resumed practice and that the person's name will be restored to his list unless within 14 days after the date of the notice that person gives notice in writing to the Board that he wishes his name to remain on the list of his present doctor. After the said period of 14 days has elapsed, the Board shall inform the doctors concerned of the names of the persons who are restored to the list of the doctor who has resumed practice and shall also inform the other doctor only of the names of the persons who have elected to remain on his list.

(9) Nothing in this regulation shall require the Board to give any notice of or concerning the making, variation or termination of arrangements under regulation 24.

23. Where a doctor has given notice to the Board in accordance with paragraph 9 of his terms of service that a person is to be removed from his list, the Board shall forthwith inform that person that he should apply to another doctor for acceptance, or apply to the Board for assignment to a doctor.

Temporary provision of general medical services

24.—(1) The provisions of this regulation shall apply in relation to the making of arrangements for the temporary provision of general medical services.

(2) Where a doctor dies, retires or otherwise ceases to be entitled to be included in the medical list or where his registration is suspended in any of the circumstances specified in section 19(7) of the Act(13), the Board, after consultation with the Area Medical Committee, may—

- (a) make and as necessary or desirable vary from time to time arrangements for the temporary provision of general medical services for the patients for whose treatment that doctor was or might have become responsible which arrangements may consist of or include the appointment under this paragraph of one or more doctors to undertake the provision of such services;
- (b) where a doctor included in the medical list by virtue of regulation 4(1)(a) ceases because of his death to be entitled to be so included, and within 7 days of the date of death any person applies to the Board 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 provision of general medical services for the patients for whose treatment that doctor was or might have become responsible.

(3) The Board 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 any person who applied to them for the appointment of that doctor.

(4) Arrangements under paragraph (2) shall subsist for such period as the Board thinks fit, but such period shall not extend beyond one year unless the Board is at the expiry of that year satisfied that the continuation of the said arrangements with or without variations is necessary to enable general medical services to continue to be provided; and in any event the said arrangements shall not subsist beyond the date on which the relevant practice vacancy is permanently filled or the suspension referred to in paragraph (2) ceases to have effect; but the Board shall so far as possible give prior written notice of the termination of the said arrangements to the doctor with whom those arrangements were made.

(5) Subject to paragraph (4), where arrangements under paragraph (2) with or without variations are to continue for a period beyond one year, the Board shall at the expiry of that year notify the Secretary of State in writing of such continuation, and subsequently of the termination of such arrangements as soon as is practicable.

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

(7) Where the Board is satisfied—

- (a) that because of his physical or mental condition, or
- (b) that because of continued absence

a doctor's obligations under the terms of service are not being carried out adequately, it may after consultation with the Area Medical Committee and with the consent of the Secretary of State make arrangements for the temporary provision of general medical services for the patients for whose

(13) Subsection (7) of section 19 was inserted by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 7, paragraph 2 and was amended by the Medical Act 1983 (c. 54), Schedule 5, paragraph 17(a).

treatment that doctor was or might have become responsible, which arrangements may consist of or include the appointment under this paragraph of one or more doctors to undertake the provision of such services.

(8) No doctor may be appointed under paragraph (2) or (7) unless he is suitably experienced (other than by virtue of being a restricted services principal) within the meaning of section 21 of the Act.

(9) Subject to paragraph (12), arrangements under paragraph (7) shall subsist for such period as the Board thinks fit, but not, in a case to which paragraph (7)(a) applies, beyond the date on which the Board is satisfied, after consulting the Area Medical Committee, that the doctor is fit to resume his practice.

(10) The Board may, before varying or terminating any arrangements made under paragraph (7) and after consulting the Area Medical Committee, require the doctor to be medically examined.

(11) A doctor required under this regulation to be medically examined shall submit himself for medical examination by a doctor or doctors appointed, after consultation with the Area Medical Committee, by the Board, and such examining doctor or doctors shall thereafter report in writing to the Board as to the doctor's fitness to carry out his obligations under the terms of service.

(12) Where the Board proposes that arrangements under paragraph (7) shall continue for longer than one year or such shorter period as the Secretary of State may in any particular case specify, or beyond a second or subsequent year or any subsequent specified period in the particular case, it shall so notify the Secretary of State in writing not less than 30 days before the expiry of that year or such specified period, or as soon thereafter as is practicable, and shall in each case obtain the consent of the Secretary of State to the continuation of the arrangements.

(13) Where arrangements under paragraph (7) expire or are terminated by the Board it shall give reasonable prior written notice to the doctor with whom those arrangements were made, and shall as soon as practicable notify the Secretary of State in writing that such termination has taken place.

(14) The Board shall, where practicable, notify in writing any doctor with respect to whose patients arrangements are made under this regulation of such arrangements and of their variation or termination.

(15) Each doctor appointed under this regulation shall throughout his appointment be bound by the terms of service which were applicable to the doctor, the treatment of all of whose patients he is appointed with or without other doctors to undertake; but such appointment shall not oblige the doctor so appointed to provide child health surveillance services, contraceptive services, maternity medical services or minor surgery services which he has not undertaken to provide.

(16) Where the doctor for the treatment of whose patients arrangements are made under this regulation has accepted patients for the provision of maternity medical services and the doctor or doctors appointed under this regulation have not undertaken to provide such services, the Board shall so inform the patients accepted for these services and inform them of any arrangements to enable them to continue to receive such services.

(17) Any patient of a doctor in respect of whose patients the Board has made arrangements for the temporary provision of general medical services under this regulation shall be deemed to remain on the list of that doctor for the duration of such arrangements unless he makes application for acceptance by another doctor or is otherwise removed from the list in accordance with these Regulations.

(18) Any application for acceptance and inclusion on a doctor's list received by a doctor appointed under this regulation in the course of such appointment shall be deemed to be an application for acceptance and inclusion in the list of the doctor in respect of whose patients the appointment was made.

(19) The Board may deduct from the remuneration of a doctor in respect of whose patients arrangements are made under paragraph (7) or consequent upon the suspension of whose registration arrangements are made under paragraph (2)(a) the cost, in part or in whole, of any such arrangements,

and in the case of a doctor performing relevant services in an emergency recognised by the Secretary of State for the purpose of these Regulations, the Board shall deduct from his remuneration the cost of arrangements under this regulation.

(20) In its application to the temporary provision of general medical services, sub-section (3) of section 19 of the Act shall have effect as if the words “otherwise than temporarily” were inserted after the words “general medical services” in that sub-section.

(21) In its application to a doctor appointed under this regulation, section 20(1A) of the Act⁽¹⁴⁾ shall have effect as if—

- (a) the words “shall be entitled to have his application for the inclusion of his name in the list kept by any Health Board referred to the Medical Practices Committee” were omitted and the words “shall be appointed to provide general medical services temporarily” were inserted in their place; and
- (b) the words from “and where a Board” to the end were omitted.

(22) Sections 20(1) and 21 of the Act shall not apply in respect of the temporary provision of general medical services by a doctor appointed under this regulation.

Removal of person from doctor’s list

25.—(1) A person whose name is included in the list of a doctor and who no longer wishes to avail himself of general medical services may at any time give notice to the Board that he wishes his name to be removed from that list, and at the expiration of 14 days from the date of the receipt of the notice, the Board shall remove the name and inform the person and the doctor.

(2) Subject to the provisions of paragraphs (3) and (5), where, in regard to a person whose name is in the list of a doctor providing general medical services in the area of the Board, the Board after due enquiry including consultation in writing with the doctor is satisfied, either—

- (a) that the person no longer resides in that part of the area of the Board where the doctor has undertaken to provide such services, or
- (b) that the whereabouts of the person are no longer known to the Board,

and that the doctor in whose list the name of the person is included is no longer responsible for providing that person with general medical services, the Board shall remove the name of that person from the doctor’s list.

(3) Without prejudice to paragraph (2), where the Board consults a doctor in writing about the possible removal of the name of a person from his list, it shall remove that name from the list six months after that consultation unless the doctor satisfies the Board that he is still responsible for providing general medical services for that person.

(4) On removing the name of a person from the list of a doctor the Board shall notify the doctor and the person concerned at his last known address.

(5) The Board shall, on receiving from the doctor (in accordance with the provisions of paragraph 33 of the terms of service) particulars of persons who are pupils or staff or residents of a school or residential institution where he provides general medical services, forthwith remove the names of all persons appearing in his list as pupils or staff or residents of such school or institution which are not shown in the said particulars.

(6) Where the Board has made a request to a doctor for particulars under the said paragraph 33 and has not received them in accordance with those provisions, it may remove the names of persons at such schools or institutions appearing on his list.

⁽¹⁴⁾ Section 20(1A) was inserted by [S.I. 1981/432](#).

Temporary residents

26.—(1) A person who is residing temporarily in a district and whose name is not on the list of a doctor providing general medical services in that district may, if he requires treatment, apply to any doctor to be accepted by him as a temporary resident and if he is so accepted his name shall not be removed from the list of any doctor in which it is already included.

(2) For the purpose of this regulation a person shall be regarded as temporarily resident in a district if when he arrives in that district he intends to stay there for more than 24 hours but not more than 90 days.

(3) If the stay of a person accepted under this regulation as a temporary resident in a district exceeds 90 days, he shall cease to be regarded as a temporary resident.

Doctors' lists

27.—(1) A Board shall prepare and keep revised up to date in respect of each doctor on its medical list, a list of the patients in its area for whom each doctor is for the time being responsible and shall from time to time furnish the doctor with information concerning persons added to or deleted from the list.

(2) Subject to the provisions of regulation 22(4), the name of 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 Board.

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

- (a) dies, or
- (b) is absent from the United Kingdom for a period of 90 days, or
- (c) leaves the United Kingdom with the intention of being away for a period in excess of 90 days, or
- (d) enlists in Her Majesty's Forces, or
- (e) is serving a prison sentence or sentences totalling in the aggregate more than two years,

his name shall be deleted from the doctor's list as from the date on which the Board first received notification of the death, absence, departure, enlistment or imprisonment.

(4) Any deletion from a doctor's list caused by the transfer of a person to the list of another doctor, otherwise than in accordance with a notice given under regulation 22(3) and (4), shall take effect from the date on which the Board receives notification of the acceptance of the person by the last-mentioned doctor or, subject to the consent of the Board, on such date, not being earlier than the date of such consent as may be agreed between the doctors.

(5) Where a doctor has requested the Board to remove a person from his list in accordance with paragraph 9(1) of the terms of service, the removal shall take effect from the date mentioned in that paragraph.

(6) Where a doctor has notified the Board that he wishes to have a person removed from his list with immediate effect in accordance with paragraph 9(2) of the terms of service—

- (a) the removal shall take effect at the time mentioned in sub-paragraph (4) of that paragraph, and
- (b) on receipt of the notification the Board shall—
 - (i) in writing, acknowledge it and also give notice of the removal to the person concerned, and
 - (ii) take all reasonable steps to assign the person to another doctor before the end of the next working day, or as soon as possible thereafter, and regulation 20 shall apply

to such an assignment as if the person had applied for an assignment in accordance with that regulation.

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

PART V

child health surveillance services, contraceptive services, maternity medical services and minor surgery services

Child health surveillance list

28.—(1) The Board shall maintain a list, in these Regulations referred to as “the child health surveillance list”, of the names of those doctors who have satisfied the Board or, on appeal, the Secretary of State in accordance with the following provisions of this regulation, that they have such medical experience and training as are necessary to enable them properly to provide child health surveillance services.

(2) A doctor may apply, in accordance with paragraph (3), to a Board for inclusion of his name in the child health surveillance list required to be maintained by that Board.

(3) An application under paragraph (2) shall be in writing, signed by the applicant and shall include the information specified in Part IV of Schedule 2.

(4) A doctor whose name is included in the child health surveillance list of any Board and who applies to have his name included in the corresponding list of another Board shall provide the information specified in paragraph (3) together with the name of the Board in whose such list his name is included and the date from which it was so included.

(5) The provisions of paragraphs (6) to (11) of this regulation shall not apply to any application by a doctor referred to in paragraph (4), and such application shall be granted by the Board and within 30 days after receiving the application the Board shall give written notice to the doctor to that effect.

(6) Unless the applicant otherwise agrees, the Board shall decide any application made in accordance with paragraph (3) by either granting or refusing it not later than the expiry of the period of 60 days after receiving it.

(7) The Board may, if it thinks fit, hold an oral hearing of any application and, if minded to refuse an application, shall not do so without first giving the doctor the opportunity of an oral hearing.

(8) The Board before deciding upon an application under this regulation, shall have regard in particular to—

- (a) any training undertaken by the doctor; and
- (b) any medical experience gained by him,

during the period of five years immediately preceding the date of the application which is relevant to the provision of child health surveillance services and in the case of any application shall seek and take into account the advice of any medical practitioners, including the Area Medical Committee, as it considers necessary to enable it to decide upon the application.

(9) Within 30 days of reaching its decision, the Board shall give written notice thereof to the applicant and shall—

- (a) where it refuses the application give written notice of the reasons for the decision and of the right of appeal of the applicant under paragraph (10); or

- (b) where it grants the application, include the applicant's name in the child health surveillance list.
- (10) Where an application is refused the applicant may appeal in writing to the Secretary of State within 30 days of receiving written notice of the Board's decision.
- (11) Where the applicant appeals under paragraph (10), the Secretary of State—
- (a) may, if he thinks fit, hold an oral hearing of the appeal;
 - (b) in deciding upon the appeal, shall either confirm or reverse the decision of the Board;
 - (c) where he reverses the decision of the Board, shall direct that the Board include the doctor's name in its child health surveillance list.
- (12) Subject to paragraphs (13) to (17) the Board may remove a doctor's name from the child health surveillance list only in the following circumstances:—
- (a) if it has been removed from the medical list of any Board under regulation 7 or 8; or
 - (b) if the Board is satisfied that the doctor has not provided child health surveillance services during the immediately preceding 5 years; or
 - (c) if the Board is satisfied that the doctor has, in relation to any patient in respect of whom he has undertaken to provide child health surveillance services failed in any material respect to comply with any of the requirements of regulation 29(4) and Schedule 3; or
 - (d) if the Board is satisfied that the doctor is no longer able to provide child health surveillance services.
- (13) Before reaching any decision in terms of sub-paragraphs (b), (c) or (d) of paragraph (12) the Board shall—
- (a) give the doctor 30 days' notice in writing of its intention to do so, and
 - (b) afford the doctor an opportunity of making representations in writing or, if he so desires, orally to the Board.
- (14) Where the Board reaches a decision in terms of any of sub-paragraphs (b), (c) or (d) of paragraph (12), it shall send to the doctor a notice which shall include a statement—
- (a) to the effect that, subject to any appeal under paragraph (15), the doctor's name will, after 30 days from the date of notice, be removed from the child health surveillance list maintained by the Board;
 - (b) of the Board's reasons for its decision; and
 - (c) of the doctor's right of appeal under paragraph (15).
- (15) A doctor who has received a notice sent in accordance with paragraph (14) may, within 21 days of receiving it, appeal to the Secretary of State against the decision of the Board, and pending the determination of the appeal the Board shall not remove his name from the child health surveillance list.
- (16) An appeal to the Secretary of State shall be made in writing and shall include a statement of the facts and contentions on which the doctor intends to rely; and, if he allows the appeal, the Secretary of State shall direct that the Board does not remove the doctor's name from the child health surveillance list.
- (17) The Board shall comply with any direction given under this regulation.

Obtaining child health surveillance services

- 29.—**(1) The appropriate person, in relation to a child who is under the age of 5 years, may apply to a doctor—
- (a) who is—

- (i) the doctor on whose list the child is included (in this paragraph referred to as “the child’s doctor”),
 - (ii) a doctor with whom the child’s doctor practises in partnership, or
 - (iii) a doctor with whom the child’s doctor is associated in a group practice; and
- (b) whose name is included in any medical list and in the child health surveillance list of the Board,

for the provision of child health surveillance services in respect of the child for a period ending on the date on which the child attains the age of 5 years.

(2) In paragraph (1) the “appropriate person” in relation to a child who is under the age of 5 years is a person who has the right under regulation 39 to choose on behalf of the child the person by whom general medical services are to be provided for the child.

(3) A doctor whose name is included in the medical list may, in respect of any person on his list or on the list of a doctor with whom he practices in partnership or with whom he is associated in a group practice, undertake to provide child health surveillance services provided that—

- (a) his name is also included in the child health surveillance list, and
- (b) the person in question is a child who is under the age of 5 years.

(4) A doctor who has undertaken, pursuant to paragraph (3), to provide child health surveillance services to any child shall, in respect of that child—

- (a) provide all the services described in paragraph 1 of Schedule 3, until the date upon which the child attains the age of 5 years, other than any examination so described which the appropriate person refuses to allow the child to undergo;
- (b) maintain such records as are specified in paragraph 2 of that Schedule; and
- (c) provide to the Board in accordance with the requirements of paragraph 3 of that Schedule such information as is specified in that paragraph.

(5) An undertaking to provide child health surveillance services shall cease forthwith to be effective if—

- (a) either—
 - (i) the appropriate person informs the doctor, or
 - (ii) the doctor informs the appropriate person,

that he wishes the undertaking to have no further effect;

- (b) the child has been removed from the doctor’s list, from that of his partner or from that of a doctor with whom he is associated in a group practice, as the case may be, and has not been transferred to any other of those lists;

- (c) the appropriate person—
 - (i) has been invited to arrange for the child to attend for an examination referred to in paragraph 1(b) of Schedule 3, and
 - (ii) fails within 42 days to respond to that invitation; or
- (d) any examination referred to in paragraph 1(b) of Schedule 3 is undertaken in respect of the child otherwise than by the doctor or a person acting on his behalf.

(6) Where in accordance with paragraph (5), an undertaking has ceased to be effective, the doctor shall forthwith—

- (a) in a case to which any one of heads (a), (c) or (d) of that paragraph applies, so inform the Board in writing; and

(b) in a case to which either head (c) or (d) of that paragraph applies, so inform the appropriate person in writing.

(7) A doctor shall not be required to provide child health surveillance services for a patient unless following an application pursuant to paragraph (1) he has accepted that patient for the provision of such services.

Contraceptive services

30.—(1) Where a woman (including a woman who is a temporary resident within the meaning of regulation 26) desires contraceptive services she may apply to any doctor who had indicated his willingness to provide such services to be accepted by him for the provision to her of contraceptive services.

(2) Subject to the provisions of paragraph (3), where a woman is accepted by the doctor he shall be responsible for the provision of contraceptive services to her for a period of 1 year, except in the case of a temporary resident within the meaning of regulation 26, when the responsibility shall be limited to the period of temporary residence.

(3) Either the woman or the doctor may terminate the arrangement for the provision of contraceptive services at any time during the period of 1 year by giving 30 days' notice to the other party to the arrangement and to the Board.

(4) On the expiry or termination of the arrangement the woman may apply or reapply to a doctor to be accepted by him for the provision to her of contraceptive services and the provisions of this regulation shall apply to such further application.

Obtaining maternity medical services

31.—(1) A woman who, after a doctor has diagnosed that she is pregnant, desires the provision of maternity medical services, may arrange for the provision of such services either by any doctor on a medical list who has indicated his willingness to provide maternity medical services, or by the doctor in whose list her name is included.

(2) A woman who has arranged with a doctor (in this paragraph and paragraph (3) referred to as “the original doctor”) for the provision of maternity medical services may terminate the arrangement by—

(a) giving written notice to that effect to—

(i) the Board; or

(ii) the original doctor who shall within 7 days give written notice to the Board; or

(b) making a new arrangement with another doctor who shall within 7 days give written notice to the Board of the new arrangement.

(3) Where a Board receives notification in accordance with paragraph (2)(a)(i) or (b) it shall within 7 days give written notice to the original doctor that the arrangement with him has been terminated.

(4) A woman who is residing temporarily in any district may arrange with a doctor for the provision by him of maternity medical services during her period of temporary residence without prejudice to her right to obtain such services in any other area in which she may become resident.

Minor surgery list

32.—(1) The Board shall maintain a list, in these Regulations referred to as “the minor surgery list”, of the names of those doctors who have satisfied the Board or, on appeal, the Secretary of State in accordance with the following provisions of this regulation, that they have such experience,

training and qualifications as are necessary to enable them properly to provide all of the procedures listed in Schedule 4.

(2) A doctor may apply, in accordance with paragraph (3), to a Board for inclusion of his name in the minor surgery list required to be maintained by that Board.

(3) An application under paragraph (2) shall be in writing, signed by the applicant and shall include the information specified in Part V of Schedule 2.

(4) A doctor whose name is included in the minor surgery list of any Board and who applies to have his name included in the corresponding list of another Board shall provide the information specified in paragraph (3) together with the name of the Board in whose such list his name is included and the date from which it was so included.

(5) The provisions of paragraphs (6) to (11) of this regulation shall not apply to any application by a doctor referred to in paragraph (4), and such application shall be granted by the Board and within 30 days after receiving the application the Board shall give written notice to the doctor to that effect.

(6) Unless the applicant otherwise agrees, the Board shall decide any application made in accordance with paragraph (3) by either granting or refusing it not later than the expiry of the period of 60 days after receiving it.

(7) The Board may, if it thinks fit, hold an oral hearing of any application and, if minded to refuse an application, shall not do so without first giving the doctor the opportunity of an oral hearing.

(8) The Board before deciding upon an application under this regulation shall have regard in particular for the purpose of assessing the doctor's medical experience to any—

- (a) postgraduate qualification held by him;
- (b) training undertaken by him;
- (c) medical experience gained by him,

during the period of five years immediately preceding the date of the application which is relevant to the provision of minor surgery services, and in the case of any application shall seek and take into account the advice of any medical practitioners, including the Area Medical Committee, as it considers necessary to enable it to decide upon the application.

(9) Within 30 days of reaching its decision, the Board shall give written notice thereof to the applicant and shall—

- (a) where it refuses the application give written notice of the reasons for the decision and of the right of appeal of the applicant under paragraph (10); or
- (b) where it grants the application, include the applicant's name in the minor surgery list.

(10) Where an application is refused the applicant may appeal in writing to the Secretary of State within 30 days of receiving written notice of the Board's decision.

(11) Where the applicant appeals under paragraph (10), the Secretary of State—

- (a) may, if he thinks fit, hold an oral hearing of the appeal;
- (b) in deciding upon the appeal, shall either confirm or reverse the decision of the Board;
- (c) where he reverses the decision of the Board, shall direct that the Board include the doctor's name in its minor surgery list.

(12) Subject to paragraphs (13) to (17) the Board may remove a doctor's name from the minor surgery list only in the following circumstances:—

- (a) if it has been removed from the medical list of any Board under regulation 7 or 8; or
- (b) if the Board is satisfied that the doctor has not provided minor surgery services during the immediately preceding 5 years; or

- (c) if the Board is satisfied that the doctor has, in relation to any patient in respect of whom he has undertaken to provide minor surgery services failed in any material respect to comply with any of the requirements of regulation 33 and Schedule 4; or
 - (d) if the Board is satisfied that the doctor is no longer able to provide minor surgery services.
- (13) Before reaching any decision in terms of sub-paragraphs (b), (c) or (d) of paragraph (12) the Board shall—
- (a) give the doctor 30 days' notice in writing of its intention to do so, and
 - (b) afford the doctor an opportunity of making representations in writing or, if he so desires, orally to the Board.
- (14) Where the Board reaches a decision in terms of any of sub-paragraphs (b), (c) or (d) of paragraph (12), it shall send to the doctor a notice which shall include a statement—
- (a) to the effect that, subject to any appeal under paragraph (15), the doctor's name will, after 30 days from the date of notice, be removed from the minor surgery list maintained by the Board;
 - (b) of the Board's reasons for its decision; and
 - (c) of the doctor's right of appeal under paragraph (15).
- (15) A doctor who has received a notice sent in accordance with paragraph (14) may, within 21 days of receiving it, appeal to the Secretary of State against the decision of the Board, and pending the determination of the appeal the Board shall not remove his name from the minor surgery list.
- (16) An appeal to the Secretary of State shall be made in writing and shall include a statement of the facts and contentions on which the doctor intends to rely; and, if he allows the appeal, the Secretary of State shall direct that the Board does not remove the doctor's name from the minor surgery list.
- (17) The Board shall comply with any direction given under this regulation.

Obtaining minor surgery services

- 33.—**(1) A person may apply to a doctor—
- (a) who is—
 - (i) the doctor on whose list he is included (in this paragraph referred to as "his own doctor"),
 - (ii) a doctor with whom his own doctor practises in partnership, or
 - (iii) a doctor with whom his own doctor is associated in a group practice; and
 - (b) whose name is included in any medical list and in the minor surgery list of the Board,
- for the provision of any procedure specified in Schedule 4.
- (2) A doctor whose name is included in the medical list may, in respect of any person on his list or on the list of a doctor with whom he practises in partnership or with whom he is associated in a group practice, undertake to provide minor surgery services, provided that his name is included in the minor surgery list.
- (3) A doctor who has undertaken, pursuant to paragraph (2), to provide minor surgery services in respect of any patient shall provide, or at least offer to provide, any of the procedures described in Schedule 4 which it is, in his opinion, appropriate for him to provide in respect of that patient.
- (4) Where a doctor provides minor surgery services in respect of a patient who is not included on his list, he shall inform in writing the doctor on whose list the patient is included of the outcome of the procedure.

(5) A doctor who provides minor surgery services shall ensure that at all times he has available suitable and adequate premises, equipment and facilities for use by him in providing such services.

(6) A doctor shall not be required to provide minor surgery services for a patient unless, following an application pursuant to paragraph (1), he has accepted that patient for the provision of such services.

(7) Nothing in this regulation shall prevent any doctor personally performing, in the course of providing general medical services (otherwise than by way of minor surgery services) for the benefit of a patient, a procedure described in Schedule 4.

PART VI

supply of drugs etc., by doctors

Arrangements for supply by doctors of drugs and appliances

34.—(1) Where the Board after consultation with the Area Pharmaceutical Committee is satisfied that a person, by reason of distance or inadequacy of means of communication or other exceptional circumstances, will have serious difficulty in obtaining from a pharmacist any drugs, not being scheduled drugs, or appliances required for his treatment under these Regulations, the Board shall require the doctor who is responsible for the treatment of the person to supply such drugs and appliances to that person until further notice.

(2) Notwithstanding anything contained in this regulation—

- (a) a doctor shall not be required to undertake the supply of drugs and appliances under this regulation if he satisfies the Board, or, on appeal, the Secretary of State, that he is not in the habit of dispensing drugs for his patients; and
- (b) a doctor shall be entitled to receive reasonable notice from the Board that he is required to undertake the supply of drugs and appliances under this regulation or that such supply is to be discontinued.

PART VII

payments to doctors

Payments

35.—(1) For each financial year ending on 31st March a Board shall make payments to doctors with whom arrangements exist for the provision of general medical services in its area in accordance with such rates and subject to such conditions as the Secretary of State in a Statement may determine after such consultation with such organisations as he may recognise as representing doctors with whom arrangements exist for the provision of general medical services. The Statement shall make provision for the following matters:—

- (a) basic practice allowance, and additional allowances for designated areas, seniority and employment of assistants;
- (b) standard capitation fees, capitation fees for elderly patients, and fees for night visits;
- (c) fees for items of service, and for temporary residents;
- (d) fees and allowances for the supply of drugs and appliances and for rural practice, fees for contraceptive services and fees for maternity medical services;
- (e) allowances for training doctors and for initial practice or inducement to practise;

- (f) allowances for practice expenses and for improvement of premises;
- (g) payments in relation to the making of arrangements for, and payments for, the temporary provision of general medical services;
- (h) capitation fees in respect of patients who participate in a consultation in accordance with paragraph 14 of Schedule 1;
- (i) capitation fees in respect of patients to whom child health surveillance services are provided;
- (j) capitation fees in respect of patients who are resident in deprived areas;
- (k) a fee for each minor surgery session undertaken;
- (l) payments in respect of health promotion programmes approved by the Board;
- (m) payments in respect of disease management programmes approved by the Board;
- (n) target payments in respect of immunisations provided;
- (o) target payments in respect of cervical cytology;
- (p) allowances for the employment of locums by doctors during confinement, sickness or study leave;
- (q) allowances for undergoing approved postgraduate education;
- (r) allowances for the employment of doctors by isolated single-handed doctors;
- (s) allowances in respect of providing placements in practices for undergraduate medical students;
- (t) transitional payments in consequence of changes to the terms of service;

and may be amended from time to time by the Secretary of State after consultation with such organisations as aforesaid.

(2) Where a doctor is on the medical list of more than one Board any payment due to the doctor may, where the Statement so provides, be made by one Board on behalf of all Boards concerned.

Claims and overpayments

36.—(1) Any claim for fees, allowances or other remuneration by doctors shall be made in accordance with the provisions of the Statement under regulation 35.

(2) Where the Board considers that a payment has been made in circumstances when it was not due, the Board, except to the extent that the Secretary of State on the application of the Board directs otherwise, shall draw the overpayment to the attention of the doctor and—

- (a) where the overpayment is admitted by him; or
- (b) where the overpayment is not so admitted but, the matter having been referred under regulation 8(1) of the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1992⁽¹⁵⁾ for investigation, the Board, or the Secretary of State on appeal under regulation 12 of those Regulations, decides that there has been an overpayment,

the amount overpaid shall be recoverable either by deduction from the doctor's remuneration or in some other manner.

(3) Recovery of an overpayment under this regulation shall be without prejudice to the investigation of an alleged breach of the terms of service.

(15) S.I. 1992/434, amended by S.I. 1994/3038.

PART VIII

miscellaneous

Publication of particulars

37.—(1) A Board shall make available for inspection at its office copies of—

- (a) the medical list,
- (b) the terms of service,
- (c) the Statement published under the provisions of regulation 35,
- (d) the Local Directory,
- (e) a compendium of practice leaflets provided to it by doctors whose names are included in its medical list,

and shall keep them up-to-date.

(2) A Board may make any of the documents described in paragraph (1) available for inspection at such other places in its area as appear convenient for informing all persons interested, or may publish at such places a notice of the places and times at which copies of any of those documents may be inspected; provided always that in the case of the medical list that document may be made available for inspection without the names of the doctors who would otherwise be listed there only temporarily by virtue of appointment under regulation 24, or who do not provide general medical services in the locality of that other place.

(3) The Board shall—

- (a) send a copy of the medical list to the Secretary of State, the Medical Practices Committee, the Area Medical and Pharmaceutical Committees and to all pharmacists providing pharmaceutical services in the area; and
- (b) at intervals of not more than 90 days notify them of any alterations.

(4) Notwithstanding paragraph (3), if the Board considers that only parts of the medical list, or that only some alterations, are likely to concern any such persons or bodies, it may send to those persons or bodies a copy of only those parts or alterations.

Guidance to doctors

38.—(1) Subject to paragraph (2) a Board may issue guidance to doctors whose names are included in its medical list to assist them in assessing, in accordance with paragraph 22 of Schedule 1, the qualifications, experience and competence of any employee or prospective employee.

(2) Any guidance issued under paragraph (1) shall—

- (a) be issued only after consultation with the Area Medical Committee, and
- (b) have regard to standards adopted either by an appropriate national regulatory body for a profession or occupation or by a similar body.

Exercise of choice of doctor in certain cases

39.—(1) The right to choose the person by whom general medical services under Part II of the Act are to be provided shall be exercised—

- (a) subject to sub-paragraph (c) on behalf of any child by the mother, or in her absence, the father, or in the absence of both parents, the guardian or other person who has care of the child;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) on behalf of any other person who is incapable on account of sickness or other infirmity of choosing a person to provide such services, by a relative or any person who has the care of such person;
 - (c) on behalf of any person under the age of 18 in the care of a local authority under Part II of the Social Work (Scotland) Act 1968⁽¹⁶⁾ or under the relevant provisions of the said Part II as applied by section 44(5) of the said Act⁽¹⁷⁾, by a person duly authorised by that authority.
- (2) The right of choice in paragraph (1) shall not be exercised by the person to whom the application for general medical services is made.

St Andrew's House,
Edinburgh
21st February 1995

Fraser of Carmyllie
Minister of State, Scottish Office

⁽¹⁶⁾ 1968 c. 49.

⁽¹⁷⁾ Section 44(5) was amended by the Children Act 1975 (c. 72), Schedule 3, paragraph 56 and by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73), section 28.