

2002 No. 545

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Functions of Health Authorities) (England) (Support of Provision of Services and Appraisal) Regulations 2002

<i>Made</i>	- - - -	<i>8th March 2002</i>
<i>Laid before Parliament</i>		<i>11th March 2002</i>
<i>Coming into force</i>		<i>1st April 2002</i>

The Secretary of State for Health, in exercise of powers conferred on him by sections 15(1)(b) and (1ZA) and 126(4) of the National Health Service Act 1977(a) and all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Functions of Health Authorities) (England) (Support of Provision of Services and Appraisal) Regulations 2002 and shall come into force on 1st April 2002.

(2) These Regulations apply only in relation to Health Authorities established for areas in England.

(3) In these Regulations—

“the Act” means the National Health Service Act 1977;

“the 1997 Act” means the National Health Service (Primary Care) Act 1997(b);

“Implementation Directions” means the Health Authorities and Primary Care Trusts Implementation of Pilot Schemes (Personal Medical Services) Directions 2001(c);

“personal medical services” has the meaning ascribed by section 1(8) of the 1997 Act;

“pilot scheme agreement” means an agreement which constitutes, or is one of the agreements which together constitute, a pilot scheme;

(a) 1977 c.49; see section 128(1) as amended by the National Health Service and Community Care Act 1990 (c.19) (“the 1990 Act”), section 26(2)(g) and (i), for the definitions of “prescribed” and “regulations”. Section 15(1) was amended by the Health and Social Security Act 1984 (c.48), section 5(2); by the 1990 Act, section 12(1); and by the Health Authorities Act 1995 (c.17), Schedule 1, paragraph 6. Section 15(1ZA) was inserted by the National Health Service (Primary Care) Act 1997 (c.46), Schedule 2, paragraph 4(2). Section 126(4) was amended by the 1990 Act, section 65(2); by the Health Act 1999 (c.8) (“the 1999 Act”), Schedule 4, paragraph 37(6) and by the Health and Social Care Act 2001 (c.15), Schedule 5, paragraph 5(13)(b).

As regards Wales, the functions of the Secretary of State under sections 15, and 126(4) of the 1977 Act are transferred to the National Assembly for Wales under article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, as amended by section 66(5) of the 1999 Act; these Regulations therefore extend only to England.

(b) 1997 c.46.

(c) A copy of the Directions may be obtained by writing to PCGMS at Quarry House, Quarry Hill, Leeds LS2 7UE and may also be found on the Department of Health website at www.doh.uk/pricare.pchtm.

“practice” means one which consists of—

- (a) a single medical practitioner who is on the medical list of a Health Authority and who practices otherwise than in partnership, or
- (b) two or more medical practitioners who practise in partnership with each other, each or all of whom is or are on the medical list of a Health Authority;

“services” means—

- (a) services provided under Part II of the Act; or
- (b) personal medical services;

“supplementary list” means a list prepared under section 43D of the Act.

Prescribed functions of Health Authorities

2.—(1) For the purposes of section 15(1)(b) and (1ZA) of the Act each Health Authority shall have the functions set out in the following paragraphs.

(2) Subject to paragraphs (3) and (4), each Health Authority may provide support to a practice or a provider of personal medical services by—

- (a) employing medical practitioners to act as deputies for medical practitioners providing general medical services or performing personal medical services in their area; and
- (b) employing other persons to assist in the provision of general medical services or personal medical services.

(3) A Health Authority shall only employ a medical practitioner to provide support under paragraph (2) if he is included in a medical list, a supplementary list or is named as a performer of personal medical services in a pilot scheme agreement.

(4) Before a Health Authority provides support under paragraph (2), it must reach agreement with the practice or provider to whom the support is to be given on the arrangements for providing the support.

(5) Each Health Authority shall, after consultation with the Local Medical Committee and other persons appearing to it to be appropriate, provide an appraisal scheme for—

- (i) medical practitioners providing general medical services under Part II of the Act;
- (ii) medical practitioners primarily responsible for the performance of personal medical services who are required to be named in the pilot scheme agreement and hold a list of patients in accordance with paragraph 6(1) of the Implementation Directions.

8th March 2002

John Hutton
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations confer two new functions on Health Authorities.

They are required to support the provision of general medical services and personal medical services in their area by employing doctors to act as deputies to practices, and other persons to assist in providing the services, subject to reaching agreement with the practice or provider on the terms. Any such doctor may only be employed if he is on a medical or supplementary list or is named in a pilot scheme agreement as a performer of personal medical services.

They are also to provide an appraisal scheme for all doctors in their area providing general medical services or primarily responsible for performing personal medical services.

A copy of the relevant directions can be obtained from PCGMS at Quarry House, Quarry Hill, Leeds LS2 7UE.

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