
STATUTORY INSTRUMENTS

1992 No. 635

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

PART V

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

Child health surveillance list

27.—(1) The FHSA shall maintain a list (in these Regulations referred to as “a child health surveillance list”) of the names of those doctors who have satisfied the FHSA 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 the FHSA for the inclusion of his name in the child health surveillance list required to be maintained by that FHSA.

(3) An application for the purpose of paragraph (2) shall be made in writing and shall include the information specified in Part VIII of Schedule 3 to these Regulations.

(4) Unless the doctor otherwise agrees, the FHSA shall determine an application made in accordance with paragraph (3) within 2 months of receiving it.

(5) The FHSA may, if it thinks fit, hold an oral hearing of any application and shall not refuse an application without giving the doctor an opportunity of an oral hearing.

(6) Where the FHSA decides to hold an oral hearing, it shall, not less than 14 days before the date fixed for the hearing, give notice in writing to the doctor.

(7) When determining an application the FHSA shall have regard in particular to—

- (a) any post-graduate qualification held by him; and
- (b) any training undertaken by the doctor and 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 shall seek and take into account any medical advice it considers necessary to enable it to determine the application.

(8) The FHSA shall determine an application by either—

- (a) granting the application; or
- (b) refusing the application.

(9) The FHSA shall give notice in writing to the doctor of its determination and shall—

- (a) where it refuses the application, inform him of the reasons for the determination and of his right of appeal under paragraph (10);
- (b) where it grants the application, include the doctor’s name in its child health surveillance list.

(10) If an application is refused the doctor may appeal in writing to the Secretary of State within 30 days of receiving notice in writing of the FHSA's determination.

(11) On any appeal pursuant to paragraph (10) or (16), the Secretary of State—

(a) may, if he thinks fit, hold an oral hearing of the appeal and, in such a case, shall—

(i) appoint one or more persons to hear the appeal who shall report to him on the appeal, and

(ii) not less than 14 days before the date fixed for the hearing, give notice in writing to the appellant and to the FHSA;

(b) in determining the appeal, shall either confirm or reverse the determination of the FHSA and shall communicate his decision, together with the reasons for it, to the appellant and to the FHSA;

(c) where he reverses the determination of the FHSA, shall direct that the FHSA include the doctor's name in its child health surveillance list.

(12) Subject to paragraphs (13) to (17), a doctor's name may be removed by the FHSA from the child health surveillance list only if—

(a) it has been removed from the medical list of any FHSA pursuant to regulation 6(3) or regulation 7; or

(b) the FHSA has determined that the doctor has not provided child health surveillance services at any time during the past 5 years;

(13) Before making any determination under sub-paragraph (b) of paragraph (11) the FHSA shall—

(a) give the doctor 30 days' written notice 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 FHSA.

(14) Where the FHSA makes a determination under sub-paragraph (b) 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 the notice, be removed from the child health surveillance list maintained by the FHSA;

(b) of the FHSA's reasons for its determination; 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 determination of the FHSA, and pending the determination of the appeal, the FHSA 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 grounds of appeal and on any such appeal the Secretary of State shall, if he allows the appeal, direct that the FHSA shall not remove the doctor's name from the child health surveillance list.

(17) The FHSA shall comply with any direction given to it under this regulation.

(18) Where the Secretary of State holds an oral hearing of an appeal pursuant to paragraph (11), the appellant and the FHSA may be represented by counsel, solicitor or any other person.

Obtaining child health surveillance services

28.—(1) A parent may, in relation to a child of his who is under the age of 5 years, 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 is 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 FHSA,

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

(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 is 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.

(3) A doctor who has undertaken, pursuant to paragraph (2), 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 4 to these Regulations, other than any examination so described which the parent refuses to allow the child to undergo, until the date upon which the child attains the age of 5 years;
- (b) maintain such records as are specified in paragraph 2 of that Schedule; and
- (c) furnish the relevant health authority with such information as is specified in paragraph 3 of that Schedule in accordance with the requirements of that paragraph.

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

- (a) either—
 - (i) the parent informs the doctor, or
 - (ii) the doctor informs the parent,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 parent—
 - (i) has been invited to arrange for the child to attend for an examination referred to in paragraph 1(b) of Schedule 4 to these Regulations, and
 - (ii) fails within 42 days to respond to that invitation; or
- (d) any examination referred to in paragraph 1(b) of that Schedule is undertaken in respect of the child otherwise than by the doctor or a person acting on his behalf.

(5) Where in accordance with paragraph (4), an undertaking has ceased to be effective, the doctor shall forthwith—

- (a) in a case to which any of heads (a), (c) or (d) of that sub-paragraph applies, so inform the FHSA in writing; and
- (b) in a case to which head (c) or (d) of that sub-paragraph applies, also so inform the parent in writing.

Obtaining contraceptive services

29.—(1) Whether or not she is included in his list for the provision of other personal medical services, a woman may apply to a doctor who has undertaken to provide contraceptive services to be accepted by him for the provision of those services.

(2) An application under paragraph (2) shall be for the provision of such services for a period of 12 months from the date of acceptance, but either the woman or the doctor may terminate the provision at any time during that period.

(3) On any such termination or at the end of the period of 12 months, as the case may be, the woman may apply (or re-apply) to a doctor in accordance with paragraph (2).

(4) A woman may apply to a doctor who has undertaken to provide contraceptive services in a locality or part of a locality in which she is temporarily resident, to be accepted by him for the provision to her, as a temporary resident, of contraceptive services.

(5) Where a woman has been accepted by a doctor for the provision to her of contraceptive services under paragraph (4), paragraph 4 of regulation 26 shall apply to terminate that provision.

Obstetric list

30.—(1) The FHSA shall maintain a list (in these Regulations referred to as “the obstetric list”) of the names of—

- (a) those doctors who, on 31st March 1992, were included in an obstetric list maintained by that FHSA; and
- (b) those doctors who have satisfied the FHSA 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 to be included in the obstetric list.

(2) A doctor may apply, in accordance with paragraph (3), to the FHSA for the inclusion of his name in the obstetric list maintained by that FHSA.

(3) An application for the purpose of paragraph (2) shall be made in writing and shall include the information specified in Part X of Schedule 3.

(4) Unless the doctor otherwise agrees, the FHSA shall determine an application made in accordance with paragraph (3) within 2 months of receiving it.

(5) Subject to paragraphs (6) and (7), the FHSA shall grant an application by a doctor for the inclusion of his name in the obstetric list where it is satisfied that the applicant has undertaken such training and has such experience relevant to the provision of maternity medical services as are sufficient to enable him to be included in the obstetric list.

(6) Before reaching any decision under paragraph (4), the FHSA—

- (a) may hold an oral hearing and shall not decide to refuse an application without giving the doctor an opportunity of an oral hearing;
- (b) shall have regard to whether or not the applicant satisfies one or more of the criteria set out in Schedule 5, Part I; and
- (c) shall seek, and take into account, any medical advice it considers necessary to enable it to determine the application provided that where it seeks such advice, it shall consult the Local Medical Committee.

(7) Where the FHSA decides to hold an oral hearing, it shall, not less than 14 days before the date fixed for the hearing, give notice in writing to the doctor.

(8) Where the FHSA is considering whether to grant an application in a case where the applicant satisfies none of the criteria set out in Schedule 5, Part I, it shall consult the Local Medical Committee.

- (9) The FHSA shall determine an application by either—
- (a) granting the application; or
 - (b) refusing the application.
- (10) The FHSA shall inform the doctor in writing of its determination and shall—
- (a) where it refuses the application, give notice in writing to him of the reasons for the determination and of his right of appeal under paragraph (11);
 - (b) where it grants the application, forthwith include the doctor's name in its obstetric list.
- (11) If an application is refused the doctor may appeal in writing to the Secretary of State within 30 days of receiving notice in writing of the FHSA's determination.
- (12) On any appeal pursuant to paragraph (11) or (16), the Secretary of State—
- (a) may, if he thinks fit, hold an oral hearing of the appeal and in such a case shall—
 - (i) appoint one or more persons to hear the appeal who shall report to him on the appeal, and
 - (ii) not less than 14 days before the date fixed for the hearing, give notice in writing to the appellant and to the FHSA;
 - (b) in determining the appeal, shall either confirm or reverse the determination of the FHSA and shall communicate his decision, together with the reasons for it to the appellant and to the FHSA; and
 - (c) where he reverses the determination of the FHSA, he shall direct that the FHSA include the doctor's name in its obstetric list.
- (13) Subject to paragraphs (14) to (16), a doctor's name may be removed from the obstetric list only if—
- (a) it has been removed from the medical list of any FHSA pursuant to regulation 6(3) or 7; or
 - (b) the FHSA has determined that the doctor has not provided maternity medical services at any time during the past 5 years.
- (14) Before making any determination under sub-paragraph (b) of paragraph (13) the FHSA shall—
- (a) give the doctor 30 days' written notice 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 FHSA.
- (15) Where the FHSA makes a determination under sub-paragraph (b) of paragraph (13), 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 the notice, be removed from the obstetric list maintained by the FHSA;
 - (b) of the FHSA's reasons for its determination; and
 - (c) of the doctor's right of appeal under paragraph (16).
- (16) A doctor who has received a notice in accordance with paragraph (15) may, within 21 days of receiving it, appeal to the Secretary of State against the determination, and pending the determination of the appeal the FHSA shall not remove his name from the obstetric list.
- (17) An appeal to the Secretary of State under paragraph (16) shall be made in writing and shall include a statement of the grounds of appeal and on any such appeal the Secretary of State shall, if he allows the appeal, direct that the FHSA shall not remove the doctor's name from the obstetric list.
- (18) The FHSA shall comply with any direction given to it under this regulation.

(19) Where the Secretary of State holds an oral hearing of an appeal pursuant to paragraph (12) the appellant and the FHSA may be represented by counsel, solicitor or any other person.

Obtaining maternity medical services

31.—(1) Maternity medical services shall comprise—

- (a) the provision of personal medical services to a woman during the ante-natal period;
- (b) the provision of personal medical services to a woman during labour;
- (c) the provision of personal medical services to a woman and to her baby, as specified in paragraph 3(b) of Part II of Schedule 5, during the post-natal period; and
- (d) the provision of a full post-natal examination.

(2) A woman who, after a doctor has diagnosed that she is pregnant, requires the provision of maternity medical services may arrange for the provision of any or all of the services mentioned in paragraph (1) with—

- (a) any doctor in the obstetric list;
- (b) the doctor on whose list she is included; or
- (c) any doctor who has accepted her as a temporary resident.

(3) A doctor with whom a woman has made an arrangement under paragraph (2) for the provision of any or all of the services mentioned in paragraph (1) shall provide such services as are specified in Part II of Schedule 5.

(4) The provisions of regulation 20 shall apply to the making of an arrangement by a woman with a doctor for the provision of any or all of the services mentioned in paragraph (1) as they apply to the making of an application for inclusion in a doctor's list.

(5) An arrangement between a woman and a doctor for the provision of any or all of the services mentioned in paragraph (1) may be terminated—

- (a) by the woman—
 - (i) so informing the FHSA in writing,
 - (ii) so informing the doctor in writing who shall within 7 days notify the FHSA in writing, or
 - (iii) making a new arrangement with another doctor who shall within 7 days notify the FHSA in writing of the new arrangement;
- (b) by the doctor making an application under paragraph 11 of the terms of service; or
- (c) where the woman is a temporary resident, when—
 - (i) she ceases to be resident in the doctor's practice area, or
 - (ii) the doctor's responsibility for her is terminated under paragraph 10 of the terms of service,

whichever first occurs.

(6) Where the FHSA receives notification in accordance with paragraph (5)(a)(i) or (iii), it shall within 7 days notify the original doctor in writing that the woman's arrangement with him has been terminated.

(7) In this regulation and in Schedule 5 "ante-natal period" means the duration of a woman's pregnancy until the onset of labour and "post-natal period" means the period of 14 days following the conclusion of a pregnancy.

Minor surgery list

32.—(1) The FHSA shall maintain a list (in these Regulations referred to as “the minor surgery list”) of the names of those doctors who have satisfied the FHSA or, on appeal, the Secretary of State in accordance with the following provisions of this regulation that they have such medical experience, training and facilities as are necessary to enable them properly to provide all of the procedures listed in Schedule 6.

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

(3) An application for the purpose of paragraph (2) shall be made in writing and shall include the information specified in Part IX of Schedule 3.

(4) Unless the doctor otherwise agrees, the FHSA shall determine an application made in accordance with paragraph (3) within 2 months of receiving it.

(5) The FHSA may, if it thinks fit, hold an oral hearing of any application and shall not refuse an application without giving the doctor an opportunity of an oral hearing.

(6) Where the FHSA decides to hold an oral hearing, it shall, not less than 14 days before the date fixed for the hearing, give notice in writing to the doctor.

(7) When determining an application the FHSA shall have regard—

(a) for the purpose of assessing the doctor’s medical experience and training, to any—

(i) post-graduate qualification held by him,

(ii) any training undertaken by him and 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 minor surgery services;

(b) for the purpose of assessing the doctor’s facilities, to the premises and the equipment to be used by the doctor in the provision of minor surgery services,

and shall seek and take into account any medical advice it considers necessary to enable it to determine the application.

(8) The FHSA shall determine an application by either—

(a) granting the application; or

(b) refusing the application.

(9) The FHSA shall inform the doctor in writing of its determination and shall—

(a) where it refuses the application, give notice in writing to him of the reasons for the determination and of his right of appeal under paragraph (10); or

(b) where it grants the application, forthwith include the doctor’s name in its minor surgery list.

(10) If an application is refused the doctor may appeal in writing to the Secretary of State within 30 days of receiving notice in writing of the FHSA’s determination.

(11) On any appeal pursuant to paragraph (10) or (15) the Secretary of State—

(a) may, if he thinks fit, hold an oral hearing of the appeal and, in such a case shall—

(i) appoint one or more persons to hear the appeal who shall report to him on the appeal, and

(ii) not less than 14 days before the date fixed for the hearing, give notice in writing to the appellant and to the FHSA;

- (b) in determining the appeal, shall either confirm or reverse the determination of the FHSA and shall communicate his decision, together with the reasons for it, to the appellant and to the FHSA; and
 - (c) where he reverses the determination of the FHSA, shall direct that the FHSA include the doctor's name in its minor surgery list.
- (12) Subject to paragraphs (13) to (18), a doctor's name may be removed from the minor surgery list only if—
- (a) it has been removed from the medical list of any FHSA pursuant to regulation 6(3) or regulation 7; or
 - (b) the FHSA has determined that the doctor has not provided minor surgery services at any time during the past 5 years.
- (13) Before making any determination under sub-paragraph (b) of paragraph (12) the FHSA shall—
- (a) give the doctor 30 days' written notice 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 FHSA.
- (14) Where the FHSA makes a determination under sub-paragraph (b) of paragraph (12), it shall send to the doctor a notice in writing 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 the notice, be removed from the minor surgery list maintained by the FHSA;
 - (b) of the FHSA's reasons for its determination; and
 - (c) of the doctor's right of appeal under paragraph (15).
- (15) A doctor who has received a notice in accordance with paragraph (14) may, within 21 days of receiving it, appeal to the Secretary of State against the determination, and pending the determination of the appeal, the FHSA shall not remove his name from the minor surgery list.
- (16) An appeal under paragraph 15 to the Secretary of State shall be made in writing and shall include a statement of the grounds of appeal and on any such appeal the Secretary of State shall, if he allows the appeal, direct that the FHSA shall not remove the doctor's name from the minor surgery list.
- (17) The FHSA shall comply with any direction given to it under this regulation.
- (18) Where the Secretary of State holds an oral hearing of an appeal pursuant to paragraph (11)
- (a), the appellant and the FHSA may be represented by counsel, solicitor or any other person.

Obtaining minor surgery services

- 33.—**(1) A person may apply either in writing or in person to a doctor—
- (a) who is—
 - (i) the doctor in whose list he is included (in this paragraph referred to as "his own doctor"),
 - (ii) a doctor with whom his own doctor is in partnership, or
 - (iii) a doctor with whom his own doctor is associated in a group practice; and
 - (b) whose name is included in the medical list and the minor surgery list of the FHSA,
- for the provision of a procedure specified in Schedule 6 to these Regulations and the provisions of regulation 20(2) shall apply to that application as if the reference in regulation 20(2) to an application

to a doctor for inclusion in his list were a reference to an application to a doctor for minor surgery services.

(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 is in partnership or with whom he is associated in 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 offer to provide any of the procedures described in Schedule 6 which it is, in his opinion, appropriate for him to provide in the case 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) 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) to a patient, a procedure described in Schedule 6.