
STATUTORY INSTRUMENTS

1995 No. 416

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

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(1) 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)(2) 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
 - (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;

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

- (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⁽³⁾ (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.

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

(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⁽⁴⁾ 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—

- (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⁽⁵⁾ 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;

⁽⁴⁾ S.I. 1980/30, amended by S.I. 1981/55, 1982/770, 1983/948, 1984/1258, 1986/1657, 1991/576 and 1994/3130.

⁽⁵⁾ Section 23(4) was amended by the 1990 Act, section 39(3).

- (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⁽⁶⁾; 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)—
- (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.

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

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.