

## SCHEDULE 2

### Terms of Service for Doctors

#### **A doctor's patients**

3.—(1) Subject to sub-paragraph (2) and to paragraphs 9, 10, 11 and 12, a doctor's patients are—

- (a) persons who are recorded by the Agency as being on his list;
- (b) persons whom he has accepted or agreed to accept for inclusion in his list, whether or not notification of that acceptance has been received by the Agency, and who have not been notified to him by the Agency as having ceased to be on his list;
- (c) for the limited period specified in sub-paragraphs (4) and (5), persons whom he has refused to accept for inclusion in his list;
- (d) persons who have been assigned to him under regulation 20;
- (e) for the limited period specified in sub-paragraph (6), persons in respect of whom he has been notified that an application has been made for assignment to him in a case to which regulation 20(3)(b) applies;
- (f) persons whom he has accepted for inclusion in his list as temporary residents;
- (g) in respect of services under paragraph 8, persons to whom he has agreed to provide those services;
- (h) persons to whom he may be requested to give treatment which is immediately required owing to an accident or other emergency at any place in his practice area, provided that—
  - (i) he is not, at the time of the request, relieved of liability to give treatment under paragraph 4; and
  - (ii) he is not, at the time of the request, relieved under paragraph 23(2) of his obligation to give treatment personally; and
  - (iii) he is available to provide such treatment,  
and any persons by whom he is requested, and agrees, to give treatment which is immediately required owing to an accident or other emergency at any place in his practice area, provided there is no doctor who, at the time of the request, is under an obligation otherwise than under this head to give treatment to that person, or there is such a doctor but, after being requested to attend, he is unable to attend and give treatment immediately required;
- (i) persons in relation to whom he is acting as deputy for another doctor under these terms of service;
- (j) during the period of an appointment under regulation 24, persons whom he has been appointed to treat temporarily;
- (k) in respect of child health surveillance services, contraceptive services, maternity medical services or minor surgery services, persons for whom he has undertaken to provide such services; and
- (l) any person for whom he has accepted responsibility under an arrangement made under paragraph 20(2).

(2) Except in a case to which head (h), (i) or (j) of sub-paragraph (1) applies, a person shall not be a patient for the purposes of that sub-paragraph if a doctor has been notified by the Agency that he is no longer responsible for the treatment of that person.

(3) Where a person applies to a doctor for treatment and claims to be on that doctor's list, but fails to produce his medical card on request and the doctor has reasonable doubts about that person's

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

claim, the doctor shall give any necessary treatment and shall be entitled to demand and accept a fee accordingly under paragraph 43(e), subject to the provision for repayment contained in paragraph 44. A doctor shall not order any drug or appliance on one of the order forms provided by the Agency so as to enable the person to obtain a drug or appliance as part of pharmaceutical services.

(4) Where a doctor—

- (a) refuses to accept for inclusion in his list a person who lives in his practice area and who is not included in the list of another doctor practising in that area; or
- (b) refuses to accept for inclusion in his list as a temporary resident a person to whom regulation 25 applies;
- (c) has requested the removal with immediate effect of a person from his list in accordance with paragraph 10,

he shall on request give that person any immediately necessary treatment until the expiry of the period of 14 days beginning with the date when that person was refused acceptance (or, as the case may be, with the date when he requested the immediate removal of that person from his list), or until that person has been accepted by or assigned to another doctor, whichever occurs first.

(5) Where a doctor on the obstetric list refuses to provide maternity medical services in the case of a woman who applies to him for such services in accordance with regulation 34(2) or (3) and who is residing in the area within which the doctor has undertaken to provide maternity medical services, he shall, unless he is satisfied that she is already receiving maternity medical services from any other doctor in the area—

- (a) give without charge to her such treatment including the supply of drugs and appliances, as may be immediately necessary, pending her acceptance for inclusion in the list of another doctor; and
- (b) inform her of the name and place of attendance of any neighbouring doctor whose name is included in the obstetric list to whom application might be made and of the address of the nearest ante-natal clinic.

(6) Where the Agency has notified a doctor that it is applying for the Department's consent under regulation 20(3)(b), the doctor shall give the person proposed for assignment any immediately necessary treatment until the Agency has notified him that—

- (a) the Department has determined whether or not the person is to be assigned to that doctor; and
- (b) either the person has been accepted by, or assigned to, another doctor or another doctor has been notified that an application has been made, in a case to which regulation 20(3)(b) applies, to assign that person to him.

(7) Nothing in this paragraph shall require a doctor to be responsible for the treatment in hospital of a person admitted to that hospital unless—

- (a) he is a member of staff of the hospital and the terms of his appointment allow him to provide—
  - (i) general medical services (other than maternity medical services); or
  - (ii) in the case of a doctor whose name is included in the obstetric list, maternity medical services; or
- (b) the hospital concerned, or part of that hospital, is one in which patients are entitled to secure treatment by their own doctor, whether or not such doctor is a member of staff of that hospital.