

2005 No. 333

NATIONAL HEALTH SERVICE

The National Health Service (Primary Medical Services Performers Lists) (Scotland) Amendment Regulations 2005

<i>Made</i> - - - -	<i>8th June 2005</i>
<i>Laid before the Scottish Parliament</i>	<i>9th June 2005</i>
<i>Coming into force</i> - -	<i>1st July 2005</i>

The Scottish Ministers, in exercise of the powers conferred by sections 17P, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the National Health Service (Primary Medical Services Performers Lists) (Scotland) Amendment Regulations 2005 and shall come into force on 1st July 2005.

Amendment of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004

2.—(1) Regulation 2 (interpretation) of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004(b) is amended as follows.

(2) In the definition of “general medical practitioner”–

- (a) in paragraph (a), omit “, otherwise than by virtue of paragraph 1(d) of Schedule 6 to that Order”;
- (b) in paragraph (b)(i) before “; or” insert “or a person who has an acquired right to practise as a general medical practitioner pursuant to regulation 5(1)(d) of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994(c)”; and
- (c) in paragraph (b)(ii) omit “other than by virtue of having an acquired right under paragraph 1(d) of Schedule 6 to the 2003 Order”.

(a) 1978 c.29; section 17P was inserted by the Primary Medical Services (Scotland) Act 2004 (asp 1), section 5(2) and is extended by the Health and Medicines Act 1988 (c.49), section 17 as amended by S.S.I. 2004/167; section 105(7), which contains provisions relevant to the making of regulations, was amended by the Health Services Act 1980 (c.53), Schedule 6, paragraph 5 and Schedule 7 and by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 9, paragraph 24 and the Health Act 1999 (c.8), Schedule 4, paragraph 60; section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2004/114; to which there are amendments not relevant to this instrument.

(c) S.I. 1994/3130; regulation 5 was amended by S.I. 1998/669 and modified by S.S.I. 2004/163. The whole regulations are prospectively revoked by S.I. 2003/1250.

(3) For the definition of “GP Registrar”, substitute–

““GP Registrar” means a medical practitioner who is being trained in general practice by–

- (a) until the coming into force for all purposes of article 4(5)(d) of the 2003 Order, a general medical practitioner who–
 - (i) has been approved for that purpose by the Joint Committee on Postgraduate Training for General Practice under regulation 7 of the Vocational Training Regulations; and
 - (ii) performs primary medical services; and
- (b) from the coming into force for all purposes of that article, a general medical practitioner who is approved under that article for the purpose of providing training under article 5(1)(c)(i) of the 2003 Order, whether as part of training leading to the award of a CCT or otherwise;”.

ANDREW P KERR

A member of the Scottish Executive

St Andrew’s House,
Edinburgh
8th June 2005

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 (“the principal Regulations”), which provide for lists of medical practitioners who may perform primary medical services for which Health Boards are, under section 2C(1) of the National Health Service (Scotland) Act 1978, under a duty to provide or secure the provision of, to be kept by those Health Boards.

Regulation 2(2) amends the definition of “general medical practitioner” in the principal Regulations so that references to one include all medical practitioners included on the General Practitioner Register or, until that Register comes into effect, who are suitably experienced or have an acquired right to practise as a general medical practitioner. The effect is to provide that all such medical practitioners may be included on a list and perform primary medical services for which a Health Board is under a duty to provide or secure the provision of.

Regulation 2(3) amends the definition of “GP Registrar” to clarify its meaning and to make the definition consistent with other definitions of GP Registrar in subordinate legislation on primary medical services.

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