



National Health Service (Scotland) Act 1978

1978 CHAPTER 29

PART II

PROVISION OF SERVICES

General medical services

19 Arrangements and regulations for general medical services.

- (1) It shall be the duty of every Health Board, in accordance with regulations, to make as respects their area arrangements with medical practitioners for the provision by them of personal medical services for all persons in the area who wish to take advantage of the arrangements; and the services provided in accordance with the arrangements are in this Act referred to as “general medical services”.
- (2) Regulations may make provision for defining the personal medical services to be provided and for securing that the arrangements will be such that all persons availing themselves of those services will receive adequate personal care and attendance; and the regulations shall include provision—
 - (a) for the preparation and publication of lists of medical practitioners who undertake to provide general medical services;
 - (b) for securing a right to any person to choose or to change, in accordance with the prescribed procedure, the medical practitioner by whom he is to be attended, subject to the consent of the practitioner who is to give the attendance and to any prescribed limit on the number of patients to be accepted by any practitioner;
 - (c) for the distribution, among medical practitioners whose names are on the aforesaid lists, of any persons who have indicated a wish to obtain general medical services but who have not made any choice of medical practitioner or have been refused by the practitioner chosen;

Status: Point in time view as at 08/03/1991. This version of this provision has been superseded.

Changes to legislation: National Health Service (Scotland) Act 1978, Section 19 is up to date with all changes known to be in force on or before 30 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (d) for the issue to patients or their personal representatives by medical practitioners providing such services as aforesaid of such certificates as may be prescribed, being certificates reasonably required by them under or for the purposes of any enactment;
 - (e) for the removal from the list of medical practitioners undertaking to provide general medical services for persons in any area of the name of a medical practitioner in whose case it has been determined in such manner as may be prescribed that he has never provided or has ceased to provide general medical services for persons in that area.
 - [^{F1}(f) for the making of arrangements for the temporary provision of general medical services in an area;
 - (g) for the circumstances in which a name added to the list by virtue of subsection (5) below may be removed from it.]
- [^{F2}(3) The remuneration to be paid under arrangements under this Part to a practitioner who provides general medical services shall not, except in special circumstances, consist wholly or mainly of a fixed salary which has no reference to the number of patients for whom the practitioner has undertaken to provide such services.]]
- [^{F3}(4) Regulations shall —
- (a) include provision for the making to a medical practitioner providing general medical services of payments in respect of qualifying services provided by a spouse or other relative of his; and
 - (b) provide that the rates and conditions of payment and the qualifying services in respect of which the payments may be made shall be such as may be determined by the Secretary of State after consultation with such bodies as he may recognise as representing such medical practitioners.]
- [^{F4}(5) The persons with whom arrangements for the temporary provision of general medical services in an area may be made by virtue of regulations under subsection (2) include medical practitioners who are not on the list of medical practitioners providing such services in the area, and the power to prepare and publish lists of medical practitioners conferred by paragraph (a) of that subsection accordingly includes power to add the names of medical practitioners with whom such arrangements are made to the lists.
- (6) Regulations may provide that this Act and any regulations made under it shall apply in relation—
- (a) to the making of arrangements for the temporary provision of general medical services; and
 - (b) to the provision of general medical services in pursuance of any such arrangements,
- subject to such modifications as may be specified in the regulations.
- (7) Where the registration of a medical practitioner in the register of medical practitioners is suspended—
- (a) by a direction of the Health Committee of the General Medical Council under [^{F5}section 37(1) or (2) of the Medical Act 1983] (unfitness to practise by reason of physical or mental condition);
 - (b) by an Order of that Committee under [^{F5}section 38(1)] of that Act (order for immediate suspension); or
 - (c) by an interim order of the preliminary Proceedings Committee of the Council under [^{F5}section 42(3)(b)] of that Act,

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the suspension shall not terminate any arrangements made with him for the provision of general medical services; but he shall not provide such services in person during that period of suspension.]

[^{F6}(8) In relation to a medical practitioner, any reference in this Act to the relevant Health Board shall be construed as follows—

- (a) if he practises in partnership with other medical practitioners, the relevant Health Board is the Board on whose medical list the members of the practice are included and, if some are included on one Board's medical list and some on another's or if any of the members is included on the medical lists of two or more Boards, the relevant Health Board is the Board in whose area resides the largest number of individuals who are on the lists of patients of members of the practice; and
- (b) in any other case, the relevant Health Board is the Board on whose medical list he is included and, if there is more than one, the Board in whose area resides the largest number of individuals who are on his list of patients.]

Subordinate Legislation Made

- P1** S. 19: s. 19 (with ss. 23, 24, 27, 28, 105(7) and 108(1)) power exercised by [S.I. 1991/572](#)
S. 19: for previous exercises of this power see Index to Government Orders.
S. 19: s. 19 (with ss. 27, 69, 75(a), 105(7), 108(1) and Sch. 11 para. 1) power exercised by [S.I. 1991/574](#)

Textual Amendments

- F1** S. 19(2)(f)(g) inserted by [Health and Social Services and Social Security Adjudications Act 1983](#) (c. 41, SIF 113:3), s. 14(2), **Sch. 7 para. 2(a)**
- F2** S. 19(3) repealed(*prosp.*) by [National Health Service Act 1966](#) (c. 8, SIF 113:2), **ss. 10(3)** (as substituted by s. 109(a), Sch. 16, para. 22(b) of this Act), 12(3)
- F3** S. 19(4) added by [Health Services Act 1980](#) (c. 53, SIF 113:2), **s. 7**
- F4** S. 19(5)–(7) inserted by [Health and Social Services and Social Security Adjudications Act 1983](#) (c. 41, SIF 113:3), s. 14(2), **Sch. 7 para. 2(b)**
- F5** Words substituted by [Medical Act 1983](#) (c. 54, SIF 83:1), ss. 54, 56(1), **Sch. 5 para. 17(a)**
- F6** S. 19(8) inserted by [National Health Service and Community Care Act 1990](#) (c. 19, SIF 113:2), **s. 37**

Modifications etc. (not altering text)

- C1** S. 19 extended by [Health and Medicines Act 1988](#) (c. 49, SIF 113:2), **s. 17(1)**

Status:

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