



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;
 - ^{F1}(b)
 - ^{F1}(c)
 - (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

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- prescribed that he has never provided or has ceased to provide general medical services for persons in that area.
- [^{F2}(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.]
- (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 [^{F6}under section 42] of that Act,
- 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.]
- [^{F7}(7A) Where the registration of a medical practitioner in the register of medical practitioners is suspended by a direction of the Committee on Professional Performance of the General Medical Council—
- (a) under section 36A of the Medical Act 1983 (professional performance),

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- (b) under section 38(1) of that Act (order for immediate suspension), or
- (c) under rules made by virtue of paragraph 5A(3) of Schedule 4 to that Act (procedure of committees),

the suspension shall not, except in so far as is provided by or determined in accordance with regulations under subsection (2) above, terminate any arrangements made with him for the provision of general medical services; but he shall not provide such services in person during the suspension.]

[^{F8}(8) In relation to a Part II medical practitioner—

- (a) whose name is included in the list of only one Health Board, and
- (b) who practises on his own or in partnership with others all of whom are Part II medical practitioners whose names are included only in that Board's list,

any reference in this Act to the relevant Health Board is to be construed as a reference to that Board.

^{F8}(9) In relation to a medical practitioner who is not within subsection (8), any reference in this Act to the relevant Health Board is to be construed as a reference to the Board in whose area most of the practice patients live.

^{F8}(10) In this section—

“Part II medical practitioner” means a medical practitioner who provides general medical services under Part II and does not perform personal medical services under section 17C arrangements; and

“practice patient” means—

- (a) in relation to a medical practitioner who practises otherwise than in partnership, an individual who is on that practitioner's list of patients (or, if that practitioner and one or more other medical practitioners together have a single list of patients in connection with section 17C arrangements, an individual who is on that single list);
- (b) in relation to a medical practitioner who is one of two or more practitioners who practise in partnership with each other, an individual who is on the list of patients of any of those practitioners (or, if any of those practitioners together have a single list of patients in connection with section 17C arrangements, an individual who is on that single list).]

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](#)
S. 19: s. 19 (with ss. 25(2), 26(2), 27(2), 105(7) and 108(1)) power exercised by [S.I. 1991/1188](#).
- P2** S. 19: s. 19 (with ss. 27 and 108(1)) power exercised by [S.I. 1991/2241](#).

Textual Amendments

- F1** S. 19(2)(b)(c) repealed (1.4.1998) by 1997 c. 46, s. 41(10)(12), Sch. 2 Pt. I para. 39(2), **Sch. 3 Pt. I**; [S.I. 1998/631](#), art. 2(b), **Sch. 2**
- F2** 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)**
- 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)**

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- F5** Words substituted by [Medical Act 1983 \(c. 54, SIF 83:1\)](#), ss. 54, 56(1), **Sch. 5 para. 17(a)**
- F6** Words in s. 19(7)(c) substituted (1.5.1996) by 1995 c. 51, s. 4, **Sch. para. 29(a)**; S.I. 1996/271, art. 2, **Sch.**
- F7** S. 19(7A) added (1.7.1997) by 1995 c. 51, s. 4, **Sch. para. 29(b)**; S.I. 1997/1315, art. 2
- F8** S. 19(8)(9)(10) substituted s. 19(8) (1.4.1998) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. I para. 39(3)**; S.I. 1998/631, art. 2(b), **Sch. 2**

Modifications etc. (not altering text)

- C1** S. 19 extended by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. 17(1)
- C2** S. 19 restricted (28.11.1997) by 1997 c. 46, s. 1(5)(a); S.I. 1997/2620, art. 2(a)

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