



National Health Service (Scotland) Act 1978

1978 CHAPTER 29

PART II

PROVISION OF SERVICES

General medical services

23 Distribution of general medical services.

- (1) The Medical Practices Committee may refuse any application under section 20 on the ground that the number of medical practitioners undertaking to provide general medical services in the area of the Health Board concerned or in part of that area is already adequate.
- (2) If in the opinion of the Medical Practices Committee additional practitioners are required for any area or part, but the number of applications exceeds the number required, the Committee shall select the persons whose applications are to be granted and shall refuse the other applications.
- (3) Before selecting any persons under subsection (2) the Medical Practices Committee shall consult the Health Board concerned, and that Board shall consult the area medical committee (if any) for their area before expressing their views on the persons to be selected.
- (4) Except as provided in subsections (1) to (3), or as required by section 21, the Medical Practices Committee shall not refuse any application under section 20, but

the Committee may grant an application subject to conditions excluding the provision of general medical services by the applicant in such part of parts of the area of the Health Board as the Committee may specify.
- (5) A medical practitioner who has made an application under section 20 which has been refused [^{F1}by the Medical Practices Committee] or has been granted [^{F1}by that

Status: Point in time view as at 08/03/1991. This version of this provision has been superseded.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 23 is up to date with all changes known to be in force on or before 25 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)

Committee] subject to such conditions may appeal to the Secretary of State; and the Secretary of State may, on any such appeal, direct the Medical Practices Committee to grant the application either unconditionally or subject to such conditions as the Secretary of State may specify.

This subsection does not apply where an application has been refused under paragraph (a) of section 21(1) [^{F2}or under section 8 of the Health and Medicines Act 1988 (persons over retiring age) and regulations under that section].

- (6) Where the Medical Practices Committee select persons from a number of applicants, the persons selected shall not be included in the list in question during the period for bringing an appeal to the Secretary of State or pending the determination of any such appeal.
- (7) If the Secretary of State grants an appeal to which subsection (6) above relates, he may direct either that the application—
- (a) shall be granted in addition to those already granted; or
 - (b) shall be granted instead of such one of those applications as he may specify.

In the latter case, he shall make the other applicant a party to the appeal, and no further appeal shall be brought by that applicant in respect of the application in question.

- (8) The Medical Practices Committee shall, in a case where persons have to be selected from a number of applicants, and the Secretary of State shall on an appeal in any such case —
- (a) have regard to any desire expressed by any applicant to practise with other medical practitioners already providing general medical services in the area or part of an area concerned and to any desire expressed by such other practitioners to take any applicant into practice with them;
 - (b) have special regard to such matters in cases where an applicant is related to any other such practitioner.

Subordinate Legislation Made

P1 [S. 23](#): s. 19 (with ss. 23, 24, 27, 28, 105(7) and 108(1)) power exercised (8.3.1991) by [S.I. 1991/572](#)

Textual Amendments

F1 Words inserted by [S.I. 1981/432](#), [art. 4\(2\)](#)

F2 Words added by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. 25(2), [Sch. 2 para. 10](#)

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