



# National Health Service (Primary Care) Act 1997

## 1997 CHAPTER 46

### PART II

#### PRIMARY CARE

##### *Medical lists and vacancies*

### **32 Medical lists and vacancies: England and Wales**

(1) In the 1977 Act, after section 29, insert—

#### **“29A Medical lists**

- (1) A Health Authority may not, under section 29, arrange with a medical practitioner for him to provide general medical services for persons in the Authority’s area unless his name is included in the Authority’s medical list.
- (2) A medical practitioner is entitled to be included in a Health Authority’s medical list only if—
  - (a) he is eligible for inclusion in the list; and
  - (b) he is nominated or approved, in accordance with regulations under section 29B, for appointment to fill a vacancy which relates (whether wholly or in part) to the area of the Authority.
- (3) A medical practitioner is eligible for inclusion in a medical list if—
  - (a) he has not attained the age specified in regulations under section 8 of the Health and Medicines Act 1988 (retirement age for practitioners); and
  - (b) he is not disqualified, or treated as disqualified, from inclusion in the list by virtue of a direction of the Tribunal constituted under section 46 or any corresponding tribunal in Scotland or Northern Ireland.

- (4) Regulations may make provision in relation to delaying a person’s inclusion in a medical list in prescribed circumstances.
- (5) This section is subject to section 29(6) (temporary provision of general medical services) and any provision of, or made under, an enactment relating to the right of a medical practitioner to transfer to a medical list.
- (6) In this Act “medical list”, in relation to a Health Authority, means the list of medical practitioners undertaking to provide general medical services for persons in their area, kept by the Authority under regulations made under section 29(2)(a).

### **29B Vacancies for medical practitioners**

- (1) Regulations may make provision in relation to the filling of vacancies for medical practitioners to provide general medical services.
- (2) The regulations may, in particular, include provision for—
  - (a) references by a Health Authority to the Medical Practices Committee as to whether there is, or will be, a vacancy for a medical practitioner in a locality;
  - (b) the determination of such references by the Medical Practices Committee;
  - (c) the determination by the Medical Practices Committee of conditions of practice to be imposed on any medical practitioner who fills a particular vacancy;
  - (d) the determination by a Health Authority of whether a vacancy is to be filled by a member of a partnership or by a sole practitioner;
  - (e) the nomination by a Health Authority of a medical practitioner for appointment to fill a vacancy as a sole practitioner;
  - (f) the approval by a Health Authority of a medical practitioner for appointment to fill a vacancy as a member of a partnership.
- (3) The regulations may also make provision in relation to—
  - (a) criteria to be applied in making decisions under the regulations,
  - (b) the variation or revocation of such decisions (including appeals to the Secretary of State on points of law), or
  - (c) vacancies relating to the area of one Health Authority which also relate to the area of another Health Authority or a Health Board,
 and may contain such transitional provisions as the Secretary of State considers appropriate.
- (4) Regulations which make provision about vacancies which relate partly to the area of a Health Board may, in particular, provide that section 29A(2)(b) is to have effect in prescribed circumstances as if the reference to regulations under this section were a reference to regulations under section 19B of the National Health Service (Scotland) Act 1978.
- (5) In this section—
  - “conditions of practice” means conditions—
    - (a) specifying, by reference to one or more prescribed conditions relating to hours or the sharing of work, the provision of

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general medical services for which a person is entitled to be remunerated; and

(b) specifying the locality in which a person is entitled to provide general medical services;

“Health Board” has the same meaning as in the National Health Service (Scotland) Act 1978;

“locality”, in relation to a Health Authority, means the Authority’s area or a particular part of their area; and

“sole practitioner” means a medical practitioner providing general medical services otherwise than in partnership with one or more other medical practitioners.

(6) This section does not affect the power to make regulations under section 29.”

(2) Omit section 30 (applications to provide general medical services).

(3) In section 31 (requirement of suitable experience) for subsection (1) substitute—

“(1) Regulations under section 29B must secure that a medical practitioner is not nominated or approved by a Health Authority for appointment to fill a vacancy unless he is suitably experienced.”

### **33 Medical lists and vacancies: Scotland**

(1) In the 1978 Act, after section 19, insert—

#### **“19A Medical lists**

(1) A Health Board may not, under section 19, arrange with a medical practitioner for him to provide general medical services for persons in the Board’s area unless his name is included in the Board’s medical list.

(2) A medical practitioner is entitled to be included in a Health Board’s medical list only if—

- (a) he is eligible for inclusion in the list; and
- (b) he is nominated or approved, in accordance with regulations under section 19B, for appointment to fill a vacancy which relates (whether wholly or in part) to the area of the Board.

(3) A medical practitioner is eligible for inclusion in a medical list if—

- (a) he has not attained the age specified in regulations under section 8 of the Health and Medicines Act 1988 (retirement age for practitioners); and
- (b) he is not disqualified, or treated as disqualified, from inclusion in the list by virtue of a direction of the Tribunal constituted under section 29 or any corresponding tribunal in England and Wales or Northern Ireland.

(4) Regulations may make provision in relation to delaying a person’s inclusion in a medical list in prescribed circumstances.

(5) This section is subject to section 19(5) (temporary provision of general medical services) and any provision of, or made under, an enactment relating to the right of a medical practitioner to transfer to a medical list.

- (6) In this Act “medical list”, in relation to a Health Board, means the list of medical practitioners undertaking to provide general medical services for persons in their area, kept by the Board under regulations made under section 19(2)(a).

### **19B Vacancies for medical practitioners**

- (1) Regulations may make provision in relation to the filling of vacancies for medical practitioners to provide general medical services.
- (2) The regulations may, in particular, include provision for—
- (a) references by a Health Board to the Medical Practices Committee as to whether there is, or will be, a vacancy for a medical practitioner in a locality;
  - (b) the determination of such references by the Medical Practices Committee;
  - (c) the determination by the Medical Practices Committee of conditions of practice to be imposed on any medical practitioner who fills a particular vacancy;
  - (d) the determination by a Health Board of whether a vacancy is to be filled by a member of a partnership or by a sole practitioner;
  - (e) the nomination by a Health Board of a medical practitioner for appointment to fill a vacancy as a sole practitioner;
  - (f) the approval by a Health Board of a medical practitioner for appointment to fill a vacancy as a member of a partnership.
- (3) The regulations may also make provision in relation to—
- (a) criteria to be applied in making decisions under the regulations,
  - (b) the variation or revocation of such decisions (including appeals to the Secretary of State on points of law), or
  - (c) vacancies relating to the area of one Health Board which also relate to the area of another Health Board or a Health Authority,
- and may contain such transitional provisions as the Secretary of State considers appropriate.
- (4) Regulations which make provision about vacancies which relate partly to the area of a Health Authority may, in particular, provide that section 19A(2)(b) is to have effect in prescribed circumstances as if the reference to regulations under this section were a reference to regulations under section 29B of the National Health Service Act 1977.
- (5) In this section—
- “conditions of practice” means conditions—
- (a) specifying, by reference to one or more prescribed conditions relating to hours or the sharing of work, the provision of general medical services for which a person is entitled to be remunerated; and
  - (b) specifying the locality in which a person is entitled to provide general medical services;
- “Health Authority” has the same meaning as in the National Health Service Act 1977;

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“locality”, in relation to a Health Board, means the Board’s area or a particular part of their area; and

“sole practitioner” means a medical practitioner providing general medical services otherwise than in partnership with one or more other medical practitioners.

(6) This section does not affect the power to make regulations under section 19.”

(2) Omit section 20 (applications to provide general medical services).

(3) In section 21 (requirement of suitable experience) for subsection (1) substitute—

“(1) Regulations under section 19B must secure that a medical practitioner is not nominated or approved by a Health Board for appointment to fill a vacancy unless he is suitably experienced.”