

SCHEDULE 1

Regulation 13

AMENDMENTS TO PART I OF SCHEDULE 1 TO THE PRINCIPAL REGULATIONS (TERMS OF SERVICE FOR DOCTORS)

Amendments to terms of service for doctors

1. Part I of Schedule 1 to the principal Regulations (terms of service for doctors) shall be amended in accordance with the provisions of this Schedule.

Amendment of paragraph 6 (acceptance of patients)

2. In paragraph 6 (acceptance of patients) there shall be added the following sub-paragraph:—

“(3) Nothing in paragraphs 6B(b) or 6D shall prevent any doctor personally carrying out in the course of providing general medical services (otherwise than by way of minor surgery services) for the benefit of a patient, a procedure described in Part IB of this Schedule.”.

Amendments to paragraph 10B (patients not seen within 3 years)

3. In paragraph 10B (patients not seen within 3 years)—

- (a) in sub-paragraph (1)(b)(i) after the word “doctor” there shall be added the words “in the course of his provision of general medical services”;
- (b) in sub-paragraph (5)(b)(i) the words “height, weight and” shall be omitted;
- (c) in sub-paragraph (5)(b), after head (ii) there shall be inserted the following head:—
 - “(iii) the measurements necessary to detect any changes in his body mass index;”;
- (d) after sub-paragraph (5) there shall be added the following sub-paragraph:—

“(6) In this paragraph “body mass” means the figure produced by dividing the number of kilograms in the patient’s weight by the square of the number of metres in his height.”.

Amendments to Paragraph 13A (doctors' availability to patients)

4.—(1) Paragraph 13A (doctors' availability to patients) shall be amended in accordance with the provisions of this paragraph.

(2) For sub-paragraphs (2), (3) and (4) there shall be substituted the following sub-paragraphs:—

“(2) Subject to sub-paragraphs (2A), (2B), (3) and (4), a Board shall not approve any application submitted by a doctor in relation to the times at which he is to be available unless it is satisfied that—

- (a) the times proposed are such that the doctor will be available normally—
 - (i) in 42 weeks in any period of 12 months;
 - (ii) for no less than the number of hours in any such week which are specified in the condition imposed in relation to him under regulation 12A; and
 - (iii) on 5 days in any such week; and
- (b) the hours for which the doctor will be available normally in any week are to be allocated between the days on which he will be available normally in that week in such a manner as is likely to be convenient to his patients;
- (c) where the doctor is a three-quarter-time doctor or a half-time doctor, he is practising in partnership with—

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- (i) another doctor whose name is included in the medical list and who is himself a full-time doctor; or
- (ii) two job-sharing doctors whose names are included in the medical list and whose hours are aggregated for the purpose of head (d) of this sub-paragraph;
- (d) where the doctor is a job-sharing doctor—
 - (i) he is practising in partnership with another doctor whose name is included in the medical list, and
 - (ii) the hours for which both doctors will be available normally will in aggregate be not less than 26 hours in any week referred to in head (a)(i) of this sub-paragraph.
- (2A) On any application made pursuant to sub-paragraph (1) by a three-quarter-time doctor or a half-time doctor—
 - (a) head (a)(iii) of sub-paragraph (2) shall not apply; and
 - (b) any approval of the application shall be subject to the condition that the approval shall lapse after the expiry of a period of 6 months from the date on which that doctor ceases to satisfy sub-paragraph (2)(c).
- (2B) On any application made pursuant to sub-paragraph (1) by a job-sharing doctor—
 - (a) head (a) (iii) of sub-paragraph (2) shall apply so as to require either the job-sharing doctor or the other doctor referred to in sub-paragraph (2)(d) to be available normally on each of the days mentioned in that head; and
 - (b) any approval of the application shall be subject to the condition that the approval shall lapse after the expiry of a period of 6 months from the date on which the doctor ceases to satisfy sub-paragraph (2)(d).
- (3) On any application made pursuant to sub-paragraph (1) by a doctor who is a restricted list principal or a restricted services principal, sub-paragraph (2)(a)(i) and (iii), (c) and (d) shall not apply.
- (4) The Health Board may, in relation to the application of any full-time doctor who seeks to be available normally on only 4 days in any week referred to in sub-paragraph (2) (a)(i), excuse the doctor from the requirement of head (a)(iii) of that sub-paragraph and approve the application to the extent allowed by paragraph 13B.”.
- (3) In sub-paragraph (5) for the words “paragraphs 13B to 13E” there shall be substituted the words “paragraph 13B”.
- (4) In sub-paragraph (7)(b), sub-heads (iii), (iv) and (v) shall be omitted.
- (5) Sub-paragraph (7)(c) shall be omitted.

Omission of paragraphs 13C, 13D and 13E and insertion of new paragraph 13C (variation of doctors' availability to patients)

5. Paragraphs 13C (doctors available for less than 26 hours per week), 13D (doctors jointly available for 26 hours a week) and 13E (doctors previously available for less than 20 hours a week) shall be omitted and there shall be inserted the following new paragraph:—

“Variation of doctors' availability to patients

13C.—(1) A doctor may apply to a Board for a variation of the times and places at which, in accordance with a determination under paragraph 13A (“the earlier determination”), he is required to be available normally, and sub-paragraphs (2) to (13) of that paragraph shall

apply for the making and determination (“the subsequent determination”) of an application under this paragraph as if it were the first application by that doctor for the purposes of this paragraph.

(2) Where an application made under sub-paragraph (1) is approved or is approved subject to conditions, for the purposes of sub-paragraphs (1) and (14) of paragraph 13A the earlier determination shall cease to have effect and the subsequent determination shall have effect instead—

- (a) where the subsequent determination is made by a Board and no appeal is made from that determination, from the day falling 8 weeks after the date on which the doctor receives notification of that Board’s determination;
- (b) where the subsequent determination is made on appeal, from the day falling 8 weeks after the date on which the doctor receives notification of the Secretary of State’s determination.

(3) Where it appears to a Board that a doctor’s hours of availability are allocated for the purposes of sub-paragraph (2)(b) of paragraph 13A in a manner which may no longer be convenient to his patients, it may, subject to sub-paragraph (10), review the terms of—

- (a) any approval granted under sub-paragraph (9)(a) or (b) of paragraph 13A; or
- (b) any direction given under sub-paragraph (9)(a),

by the Board or the Secretary of State as to such allocation.

(4) On any review under sub-paragraph (3) the Board shall—

- (a) give notice to the doctor of its proposed re-allocation of his hours of availability; and
- (b) allow him 28 days within which to make representations to that Board about its proposals.

(5) After considering any representations made in accordance with sub-paragraph (4) (b), the Board shall either—

- (a) direct the doctor to revise the allocation of his hours of availability in the manner specified in the direction; or
- (b) confirm that the existing allocation of the doctor’s hours of availability continues to be convenient to his patients.

(6) A Board shall notify the doctor in writing of its determination under sub-paragraph (5), and where it gives direction under head (a) of that sub-paragraph, it shall include with the notice a statement in writing of the reasons for its determination and of the doctor’s right of appeal under sub-paragraph (7).

(7) A doctor may, within 28 days of receiving notification under sub-paragraph (6), appeal in writing to the Secretary of State against a direction under sub-paragraph (5)(a).

(8) Without prejudice to the generality of sub-paragraph (1), sub-paragraphs (12) and (13) of paragraph 13A shall apply to any appeal made under sub-paragraph (7).

(9) A doctor in respect of whom a direction is given under sub-paragraph (5) shall revise the allocation of his hours of availability so as to give effect to the direction—

- (a) where the direction is given by a Board and no appeal is made, not later than 8 weeks after the date on which he receives notification under sub-paragraph (6);
- (b) where the direction is given or confirmed on appeal, not later than 8 weeks after the date on which he receives notification of the Secretary of State’s decision,

and the allocation of hours as so revised shall be regarded as having been approved for the purposes of sub-paragraphs (1) and (14) of paragraph 13A.

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(10) No Board shall undertake a review under sub-paragraph (3) on more than one occasion in any period of 2 years.”