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STATUTORY INSTRUMENTS

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**1992 No. 635**

**The National Health Service (General  
Medical Services) Regulations 1992**

**PART IV**

**GENERAL MEDICAL SERVICES OTHER THAN CHILD HEALTH  
SURVEILLANCE SERVICES, CONTRACEPTIVE SERVICES,  
MATERNITY MEDICAL SERVICES AND MINOR SURGERY SERVICES**

**Temporary provision of services**

**25.**—(1) This regulation applies to the making of arrangements for the temporary provision of general medical services.

(2) Where a doctor ceases to be included in the medical list or his registration is suspended as mentioned in section 29(8) of the Act(1), the FHSA may, after consultation with the Local Medical Committee—

- (a) make arrangements, for the temporary provision of general medical services for that doctor's patients, which may consist of or include the appointment of one or more doctors to undertake the treatment of such persons; and
- (b) where—
  - (i) the doctor was included in a medical list by virtue of regulation 4(1)(a) and ceases by reason of death to be so included, and
  - (ii) within 7 days of the date of death, any person applies to the FHSA in writing on behalf of the estate of that doctor for the appointment of one or more named doctors, appoint one or more of the named doctors to undertake the treatment of the deceased doctor's patients.

(3) The FHSA may make such arrangements as it thinks fit for the accommodation and other needs of any doctor appointed under paragraph (2) and, in the case of any doctor appointed under paragraph (2)(b), shall, where practicable, first consult the person who applied to it for the appointment of that doctor.

(4) Subject to paragraph (10), arrangements under paragraph (2) shall subsist for such period as the FHSA may determine, but not beyond the date on which the vacancy is filled or the suspension referred to in paragraph (2) ceases to have effect.

(5) Where it appears to the FHSA, after consultation with the Local Medical Committee, that a doctor is incapable of adequately carrying out his obligations under the terms of service because of his physical or mental condition, it may require him to be medically examined.

(6) Where the FHSA is satisfied—

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(1) Section 29(8) was amended by paragraph 2(2) of Schedule 6 to the Health and Social Services and Social Security Adjudications Act 1983 (c. 41).

- (a) after receiving from the Local Medical Committee a report under paragraph (9), that because of his physical or mental condition; or
- (b) that because of his continued absence,

a doctor's obligations under the terms of service are not being adequately carried out, it may, after consultation with the Local Medical Committee and with the consent of the Secretary of State, make arrangements for the temporary provision of general medical services for that doctor's patients which may consist of or include the appointment of one or more doctors to undertake the treatment of such persons, and may vary such arrangements as necessary.

(7) Subject to paragraph (10), arrangements under paragraph (6) shall subsist for such period as the FHSA may determine, but not, in a case to which paragraph (6)(a) applies, beyond the date (if any) on which the FHSA is satisfied, after consulting the Local Medical Committee, that the doctor is fit to resume his practice.

(8) Before varying or terminating any arrangements made under paragraph (6), but after consulting the Local Medical Committee, the FHSA may require the doctor to be medically examined.

- (9) Where under paragraph (5) or (8) a doctor is required to be medically examined—
  - (a) he shall submit himself for medical examination by a doctor appointed by the Local Medical Committee; and
  - (b) the Local Medical Committee, having considered the report of the examining doctor, shall make a report in writing to the FHSA as to the doctor's fitness to carry out his obligations under the terms of service.
- (10) Where the FHSA proposes that the arrangements under paragraph (2) or (6) shall continue—
  - (a) for longer than one year;
  - (b) for such shorter period as the Secretary of State may specify in any particular case; or
  - (c) beyond any further such period,

it shall so notify the Secretary of State in writing not less than 30 days, or as soon as is practicable, before the expiry of that period or further period and shall, in each case, obtain the consent of the Secretary of State to the continuance of the arrangements.

- (11) The FHSA shall—
  - (a) give reasonable notice in writing of the termination of arrangements under paragraph (2) or (6) to the doctor with whom they were made; and
  - (b) as soon as is practicable, notify the Secretary of State in writing that such termination has taken place.

(12) The FHSA shall, where practicable, notify in writing any doctor for the treatment of whose patients arrangements are made under this regulation of such arrangements and of their variation or termination.

(13) A doctor appointed under this regulation shall agree in writing to be bound throughout his appointment by the terms of service which were applicable to the doctor the treatment of whose patients he is appointed (with or without other doctors) to undertake, except that nothing in this regulation shall require him to provide child health surveillance services, contraceptive services, maternity medical services or minor surgery services which he has not undertaken to provide.

(14) Any person on the list of the doctor for the treatment of whose patients arrangements are made under this regulation shall be deemed to remain on that list while those arrangements subsist, unless that person is transferred to the list of another doctor, and any person who applies to the doctor appointed under this regulation for acceptance shall, if accepted, be recorded by the FHSA as being—

- (a) where that doctor is included in the medical list by virtue of regulation 4(1)(a), on his list; and
  - (b) in any other case, on the list of the doctor for the treatment of whose patients arrangements are made under this regulation.
- (15) The FHSA—
- (a) may deduct from the remuneration of a doctor—
    - (i) for the treatment of whose patients arrangements are made under paragraph (6), or
    - (ii) consequent upon the suspension of whose registration arrangements are made under paragraph (2)(a),the cost, in whole or in part, of any such arrangements; and
  - (b) in the case of a doctor performing relevant service, shall deduct from his remuneration the cost of any such arrangements.
- (16) In the application of the Act to the making of arrangements for the temporary provision of general medical services and the provision of such services in pursuance of those arrangements—
- (a) section 29(4) (which prohibits, with exceptions, payment of a fixed salary) shall have effect as if the words “otherwise than temporarily” were inserted after the words “general medical services”; and
  - (b) section 30(1A) (which contains requirements as to knowledge of English) shall apply to a doctor appointed under this regulation, and in respect of any such doctor section 30(1A) shall have effect as if for the words from “shall be entitled” to “referred to the Medical Practices Committee” there were substituted the words “shall be appointed to provide general medical services temporarily” and as if the words “and where” to the end of the subsection were omitted.