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STATUTORY INSTRUMENTS

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**1994 No. 884 (S. 36)**

**NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (General  
Medical and Pharmaceutical Services)  
(Scotland) Amendment Regulations 1994**

<i>Made</i>	- - - -	<i>22nd March 1994</i>
<i>Laid before Parliament</i>		<i>25th March 1994</i>
<i>Coming into force</i>	- -	<i>15th April 1994</i>

The Secretary of State, in exercise of the powers conferred on him by sections 19, 27, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Amendment Regulations 1994 and shall come into force on 15th April 1994.

(2) In these Regulations “the principal Regulations” means the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1974(2).

**Amendment of regulation 16 of the principal Regulations**

2. In regulation 16 of the principal Regulations (assignment of persons to doctors)(3), after paragraph (2) there shall be inserted the following paragraph:—

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(1) 1978 c. 29; section 19 was amended by the Health Services Act 1980 (c. 53) (“the 1980 Act”), section 7, the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) (“the 1983 Act”), Schedule 7, paragraph 2, the Medical Act 1983 (c. 54), Schedule 5, paragraph 17(a) and by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”) section 37; the provisions of section 19 are subject to the Health and Medicines Act 1988 (c. 49), section 17; section 27 was amended by the 1980 Act, section 20(2), by the National Health Service (Amendment) Act 1986 (c. 66), section 3(3) and by the 1990 Act, Schedule 9, paragraph 19(7); section 105(7), which was amended by the 1983 Act, Schedule 9, paragraph 24, contains provisions, and section 108(1) contains definitions of “prescribed” and “regulations”, relevant to the exercise of the statutory powers under which these Regulations are made.

(2) S.I. 1974/506, relevant amending instruments are 1975/696, 1982/1279, 1985/1625, 1989/1883, 1989/1990, 1991/572, 1992/191, 1993/521.

(3) Regulation 16 was substituted by S.I. 1991/572.

“(2A) Where an application under paragraph (2) relates only to a specified person who has previously been removed from the list of the doctor, the Board shall take into account the circumstances of that removal in deciding whether to grant or refuse the application.”.

### **Amendment of regulation 23 of the principal Regulations**

**3.** In regulation 23 of the principal Regulations (doctors' lists), after paragraph (4) there shall be added the following paragraphs:—

“(4A) Where a doctor has requested the Board to remove a person from his list in accordance with paragraph 7 of Part I of Schedule 1, the removal shall take effect from the date mentioned in that paragraph.

(4B) Where a doctor has notified the Board that he wishes to have a person removed from his list with immediate effect in accordance with paragraph 7A of Part I of Schedule 1—

- (a) the removal shall take effect at the time mentioned in sub-paragraph (3) of that paragraph; and
- (b) on receipt of the notification the Board shall—
  - (i) in writing, acknowledge it and also give notice of the removal to the person concerned, and
  - (ii) take all reasonable steps to assign the person to another doctor before the end of the next working day, or as soon as possible thereafter, and regulation 16 shall apply to such an assignment as if the person had applied for an assignment in accordance with that regulation.”.

### **Amendment of regulation 27 of the principal Regulations**

**4.—(1)** Regulation 27 (terms of service) of the principal Regulations(4) shall be amended in accordance with this regulation.

(2) In paragraph (3) sub-paragraphs (d) to (g) shall be deleted.

(3) In paragraph (4) sub-paragraph (a) shall be deleted and sub-paragraph (aa) shall be re-lettered sub-paragraph (a).

**5.** After regulation 27 of the principal Regulations there shall be inserted the following new regulation:—

#### **“Additional professional services**

**27A.—(1)** A chemist may undertake to provide additional professional services.

(2) In these Regulations “additional professional services” means—

- (a) the setting aside in a pharmacy of an area for the display of health education material;
- (b) the provision to the public of advice and counselling on medicines and
- (c) the undertaking of clinical audits; and
- (d) the publication by a pharmacist of a practice leaflet which shall—
  - (i) include the name, address and telephone number of the pharmacy and the hours in each day of the week during which that pharmacist provides pharmaceutical services from those premises;

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(4) Regulation 27 was substituted by [S.I. 1989/1883](#) and amended by [S.I. 1992/191](#) and [1993/521](#).

- (ii) detail the arrangements for dealing with after-hours and other urgent requirements from or in relation to that pharmacy;
- (iii) state that National Health Service prescriptions are dispensed and which other National Health Service pharmaceutical services are provided; and
- (iv) state that a pharmacist is available to advise and answer questions about medicines and the treatment of common ailments.

(3) In paragraph (2)(c) “clinical audit” means the systematic and critical analysis of the quality of clinical care.”.

### **Amendment to regulation 32 of the principal Regulations**

6. In regulation 32(d) (payments to chemists and standard of drugs and appliances) of the principal Regulations after the word “appliances” there shall be inserted the words “, supplemental services and additional professional services.”.

### **Amendment of Schedule 1 to the principal Regulations**

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

(2) In paragraph 4 (persons for whose treatment the doctor is responsible), after sub-paragraph (2) there shall be inserted the following sub-paragraph:—

“(2A) Where a doctor has notified the Board that he wishes to have a person removed from his list in accordance with paragraph 7A, he shall on request give that person any immediately necessary treatment until the expiry of 14 days beginning with the date of the notification or until that person has been accepted by or assigned to another doctor, whichever occurs first.”.

(3) In paragraph 7 (right of a doctor to have patient removed from his list), at the beginning there shall be inserted “Subject to paragraph 7A,”.

(4) After paragraph 7 there shall be inserted the following paragraph:—

“7A.—(1) Where—

- (a) a person on a doctor’s list has committed an act of violence against the doctor or has behaved in such a way that the doctor has feared for his safety; and
- (b) the doctor has reported the incident to the police or the Procurator Fiscal,

the doctor may notify the Board that he wishes to have that person removed from his list with immediate effect.

(2) Notification under sub-paragraph (1) may be given by any means including telephone or fax, but if not given in writing shall subsequently be confirmed in writing within 7 days (and for this purpose a faxed notification is not a written one).

(3) The time at which the doctor notifies the Board shall be the time at which he makes the telephone call or sends or delivers the notification to the Board.

(4) Where pursuant to this paragraph a doctor has notified the Board that he wishes to have a person’s name removed from his list with immediate effect, he shall take all reasonable steps to inform the person concerned.”.

(5) For sub-paragraph (2A) of paragraph 12(5) there shall be substituted the following sub-paragraph:—

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(5) Sub-paragraph 2A was inserted by [S.I. 1982/1279](#).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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“(2A) Where a doctor whose name is included in the medical list of any Board is acting as deputy to another doctor whose name is included in the medical list of a Board or of a Family Health Services Authority established under section 10(1) of the National Health Service Act 1977<sup>(6)</sup> the deputy alone is responsible for—

- (a) his own acts and omissions in relation to the obligations under these terms of service of the doctor for whom he acts as deputy; and
- (b) the acts and omissions of any person employed by him or acting on his behalf.”.

St Andrew’s House,  
Edinburgh  
22nd March 1994

*Fraser of Carmyllie*  
Minister of State, Scottish Office

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<sup>(6)</sup> 1977 c. 49; section 10 was substituted by the Health and Social Security Act 1984 (c. 48), section 5(1) and amended by the National Health Service and Community Care Act 1990 (c. 19), section 2.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1974 (“the principal Regulations”) which regulate the terms on which general medical and pharmaceutical services are provided under the National Health Service (Scotland) Act 1978. Regulations 2, 3 and 7 make provision for Health Boards to remove a person from a doctor’s list of patients with immediate effect where requested to do so by a doctor as a result of an act of actual or threatened violence. The doctor is to remain responsible for immediately necessary treatment for a period of 14 days, or until the person is transferred to the list of another doctor, whichever is the shorter.

Regulations 4, 5 and 6 make minor amendments to the provisions regarding additional professional services which a chemist may undertake to provide.

Regulation 7(5) also provides that where a doctor engages as a deputy another doctor who is himself on the medical list of any Health Board or of a Family Health Services Authority, the deputy shall alone be responsible under the terms of service contained in Part I of Schedule 1 to the principal Regulations for his acts and omissions and those of any person employed by him or acting on his behalf.