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STATUTORY INSTRUMENTS

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**1995 No. 416**

**The National Health Service (General Medical Services) (Scotland) Regulations 1995**

**PART I**

general

**Citation and commencement**

1. These Regulations may be cited as the National Health Service (General Medical Services) (Scotland) Regulations 1995 and shall come into force on 31st March 1995.

**Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the National Health Service (Scotland) Act 1978;

“the 1990 Act” means the National Health Service and Community Care Act 1990<sup>(1)</sup>;

“appliance” means an appliance which is a listed appliance within the meaning of section 27(1) of the Act<sup>(2)</sup>;

“appropriate non-proprietary name” means a non-proprietary name which is not mentioned in Schedule 10 or, except where the conditions in paragraph 31(2) of the terms of service for doctors are satisfied, in Schedule 11;

“area” means in relation to a Board the area for which the Board is constituted;

“Area Medical Committee” means the committee of that name for the area of a Board recognised under section 9 of the Act;

“Area Pharmaceutical Committee” means the committee of that name for the area of a Board recognised under section 9 of the Act;

“assistant” means a doctor who is acting as an assistant to a doctor on the medical list and for the purposes of paragraph 18 of Schedule 1 shall include a trainee general practitioner;

“Board” means Health Board within the meaning of the Act;

“child” means a person who has not attained the age of 16 years;

“child health surveillance list” shall be construed in accordance with regulation 28;

“child health surveillance services” means the personal medical services described in regulation 29 and in Schedule 3;

“contraceptive services” has the same meaning as in regulation 3(1)(c);

“doctor” means a registered medical practitioner;

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<sup>(1)</sup> 1990 c. 19.

<sup>(2)</sup> Section 27(1) was amended by the Health Services Act 1980 (c. 53), section 20 and by the 1990 Act, Schedule 9, paragraph 19(7)(a).

“domiciliary visit” means a visit to either—

- (a) the place where the patient resides, or
- (b) the place, other than a doctor’s practice premises, where the doctor is obliged, pursuant to paragraph 13 of the terms of service, to render personal medical services to the patient;

“drugs” includes medicines and chemical reagents;

“Drug Tariff” has the meaning assigned to it in regulation 9 of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995(3);

“full-time doctor” shall be construed in accordance with regulation 15(a);

“group practice” means an association of two or more doctors both or all of whom—

- (a) have their names included in the medical list of a Board,
- (b) co-ordinate in the course of regular contact among them, the provision of personal medical services to their patients in fulfilment of their obligations under Schedule 1, and
- (c) conduct and manage their practices from at least one common set of practice premises;

“half-time doctor” shall be construed in accordance with regulation 15(c);

“health centre” means premises provided by the Secretary of State in accordance with the provisions of section 36(1)(b) of the Act;

“job-sharing doctor” shall be construed in accordance with regulation 15(d);

“Local Directory” means the Local Directory of Family Doctors maintained by a Board in accordance with regulation 6;

“maternity medical services” means the provision of personal medical services during and following pregnancy and labour in respect of all conditions arising therefrom by a doctor who has agreed to provide such services;

“medical card” means a card issued to a person for the purpose of enabling him to obtain, or establishing his title to receive, general medical services other than child health surveillance services, contraceptive services, maternity medical services and minor surgery services;

“medical list” has the meaning assigned to it in regulation 4(1);

“medical officer” means a doctor in the service of the Department of Social Security;

“Medical Practices Committee” means the Scottish Medical Practices Committee constituted in accordance with section 3(1) of the Act;

“medical records” means, in relation to any patient, the records kept in respect of that patient in accordance with paragraph 33 of the terms of service;

“minor surgery list” shall be construed in accordance with regulation 32;

“minor surgery services” means the personal medical services described in regulation 33 and in Schedule 4;

“pharmacist” means a registered pharmacist within the meaning of the Medicines Act 1968(4) who provides pharmaceutical services, or a person lawfully conducting a retail pharmacy business in accordance with section 69 of that Act who provides such services;

“practice area” means the area in which a doctor is under an obligation to visit patients either by virtue of his application for inclusion in the medical list or of any variation therein in accordance with the regulations or terms of service;

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(3) S.I. 1995/414.

(4) 1968 c. 67.

“practice premises” means, in relation to any doctor, the premises at which he is obliged under the terms of service to attend at specified times in order to be consulted by, or to provide treatment or other services for his patients;

“relevant service” means whole-time service in the armed forces of the Crown in a national emergency as a volunteer or otherwise, or compulsory whole-time service in those forces, including service resulting from any reserve liability, or any equivalent service by a person liable for compulsory whole-time service in those forces;

“restricted doctor” shall be construed in accordance with regulation 15(e);

“restricted list principal” means a doctor who has undertaken to provide general medical services only to a restricted category of patients identified by reference to their connection with a particular establishment or organisation;

“restricted services principal” means a doctor who has undertaken to a Board to provide general medical services limited to—

- (a) child health surveillance services;
- (b) contraceptive services;
- (c) maternity medical services; or
- (d) minor surgery services,

or to any combination of the above;

“scheduled drug” means a drug or other substance specified in Schedule 10 or, except where the conditions in paragraph 31(2) of the terms of service for doctors are satisfied, in Schedule 11;

“temporary resident” has the meaning assigned to it in regulation 26(2);

“terms of service” means the terms of service for doctors which are contained or referred to in Schedule 1;

“three-quarter-time doctor” shall be construed in accordance with regulation 15(b);

“trainee general practitioner” means a doctor who is being trained in general practice;

“treatment” means medical attendance and treatment, and includes the issue of certificates referred to in Schedule 9 being medical certificates reasonably required under, or for the purpose of, any enactment and the keeping and forwarding of any records and the furnishing of any information in accordance with the terms of service set out in Schedule 1, but does not include child health surveillance services, contraceptive services, maternity medical services or minor surgery services unless the doctor has undertaken by arrangement to provide such services to the person concerned.

(2) Except where expressly provided to the contrary, any document which is required or authorised to be given or sent to a person or body under these Regulations (including the terms of service) may be given or sent by delivering it to that person or, in the case of a body, to the secretary or general manager of that body or by sending it in a pre-paid envelope addressed to him or, in the case of a body, to the secretary or general manager of that body at his usual or last known address.

(3) Unless the context otherwise requires—

(a) any reference in these Regulations—

- (i) to a numbered regulation is a reference to the regulation bearing that number in these Regulations,
- (ii) to a numbered Part or Schedule is a reference to the Part of, or Schedule to, these Regulations bearing that number,
- (iii) to a form thereby prescribed includes a form substantially the same; and

- (b) any reference in a regulation or in a Schedule to these Regulations to a numbered paragraph is a reference to the paragraph bearing that number in that regulation or Schedule.

### **Scope and terms of service**

**3.—(1)** The arrangements with doctors for the provision of general medical services which it is the duty of a Board under section 19 of the Act to make shall include arrangements for the provision of—

- (a) all necessary and appropriate personal medical services of the type usually provided by general medical practitioners;
- (b) child health surveillance services;
- (c) contraceptive services, that is to say—
  - (i) the giving of advice to women on contraception,
  - (ii) the medical examination of women seeking such advice,
  - (iii) the contraceptive treatment of such women, and
  - (iv) the supply to such women of contraceptive substances and appliances;
- (d) maternity medical services; and
- (e) minor surgery services.

(2) The arrangements to which paragraph (1) refers shall incorporate the terms of service set out in Schedule 1, and Schedules 5, 6 and 7 shall have effect for the purposes of paragraphs 12, 24 and 35 respectively of the terms of service.