
STATUTORY INSTRUMENTS

1995 No. 416

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

PART VIII

miscellaneous

Publication of particulars

37.—(1) A Board shall make available for inspection at its office copies of—

- (a) the medical list,
- (b) the terms of service,
- (c) the Statement published under the provisions of regulation 35,
- (d) the Local Directory,
- (e) a compendium of practice leaflets provided to it by doctors whose names are included in its medical list,

and shall keep them up-to-date.

(2) A Board may make any of the documents described in paragraph (1) available for inspection at such other places in its area as appear convenient for informing all persons interested, or may publish at such places a notice of the places and times at which copies of any of those documents may be inspected; provided always that in the case of the medical list that document may be made available for inspection without the names of the doctors who would otherwise be listed there only temporarily by virtue of appointment under regulation 24, or who do not provide general medical services in the locality of that other place.

(3) The Board shall—

- (a) send a copy of the medical list to the Secretary of State, the Medical Practices Committee, the Area Medical and Pharmaceutical Committees and to all pharmacists providing pharmaceutical services in the area; and
- (b) at intervals of not more than 90 days notify them of any alterations.

(4) Notwithstanding paragraph (3), if the Board considers that only parts of the medical list, or that only some alterations, are likely to concern any such persons or bodies, it may send to those persons or bodies a copy of only those parts or alterations.

Guidance to doctors

38.—(1) Subject to paragraph (2) a Board may issue guidance to doctors whose names are included in its medical list to assist them in assessing, in accordance with paragraph 22 of Schedule 1, the qualifications, experience and competence of any employee or prospective employee.

(2) Any guidance issued under paragraph (1) shall—

- (a) be issued only after consultation with the Area Medical Committee, and

- (b) have regard to standards adopted either by an appropriate national regulatory body for a profession or occupation or by a similar body.

Exercise of choice of doctor in certain cases

39.—(1) The right to choose the person by whom general medical services under Part II of the Act are to be provided shall be exercised—

- (a) subject to sub-paragraph (c) on behalf of any child by the mother, or in her absence, the father, or in the absence of both parents, the guardian or other person who has care of the child;
- (b) on behalf of any other person who is incapable on account of sickness or other infirmity of choosing a person to provide such services, by a relative or any person who has the care of such person;
- (c) on behalf of any person under the age of 18 in the care of a local authority under Part II of the Social Work (Scotland) Act 1968⁽¹⁾ or under the relevant provisions of the said Part II as applied by section 44(5) of the said Act⁽²⁾, by a person duly authorised by that authority.

(2) The right of choice in paragraph (1) shall not be exercised by the person to whom the application for general medical services is made.

⁽¹⁾ 1968 c. 49.

⁽²⁾ Section 44(5) was amended by the Children Act 1975 (c. 72), Schedule 3, paragraph 56 and by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73), section 28.