
STATUTORY INSTRUMENTS

1998 No. 665

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES
NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (Pilot Schemes:
Part II Practitioners) Regulations 1998**

<i>Made</i>	- - - -	<i>11th March 1998</i>
<i>Laid before Parliament</i>		<i>11th March 1998</i>
<i>Coming into force</i>	- -	<i>1st April 1998</i>

The Secretary of State, in exercise of powers conferred on him by sections 12, 15(1) and (2) and 39(2) of the National Health Service (Primary Care) Act 1997⁽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 (Pilot Schemes: Part II Practitioners) Regulations 1998 and shall come into force on 1st April 1998.

(2) In these Regulations—

(a) “normal hours” means such days and times as may be specified in a pilot scheme⁽²⁾ as the days on which and times at which a doctor will normally be available to perform personal medical services⁽³⁾;

“pilot scheme provider” means a person, other than an authority⁽⁴⁾, who is a party to a pilot scheme; and

(b) “Part II practitioner” and “pilot scheme practitioner” have the meanings respectively assigned to them in section 15(3) of the National Health Service (Primary Care) Act 1997, but for the purposes of these Regulations a Part II practitioner who performs personal medical services in any of the circumstances mentioned in regulation 2(2) is not a “pilot scheme practitioner”.

(1) 1997 c. 46.

(2) “Pilot scheme” is defined in section 1(1) of the National Health Service (Primary Care) Act 1997.

(3) “Personal medical services” is defined in section 1(8) of the National Health Service (Primary Care) Act 1997.

(4) “Authority” is defined in section 1(8) of the National Health Service (Primary Care) Act 1997.

Performance of personal medical services by a Part II practitioner

2.—(1) An authority shall not remove from their medical list⁽⁵⁾ the name of a Part II practitioner who is performing personal medical services in circumstances mentioned in any of the subparagraphs of paragraph (2), unless—

- (a) under the pilot scheme in question, he either has his own list of patients, or participates in arrangements under which he and one or more pilot scheme practitioners together have a single list of patients; or
- (b) he is, in relation to that pilot scheme, a pilot scheme provider.

(2) The circumstances are—

- (a) he has been engaged or employed by a pilot scheme provider (or by a person with whom a pilot scheme provider has made arrangements for that purpose) to perform personal medical services—
 - (i) temporarily, in place of the pilot scheme practitioner who is normally responsible for the performance of those services (or the Part II practitioner who is normally responsible for performing those services by virtue of sub-paragraph (c)), or
 - (ii) during periods outside normal hours when no pilot scheme practitioner is available to perform those services;
- (b) he performs personal medical services in connection with arrangements under which, outside normal hours, pilot scheme practitioners and Part II practitioners co-operate in such a way that one practitioner will cover for another to secure the performance of personal medical services or, as the case may be, the provision of general medical services for their patients;
- (c) he has been engaged or employed by a pilot scheme provider to perform personal medical services for a specified number of hours each week and the authority is satisfied that—
 - (i) the Part II practitioner has particular skills or experience which would, if he were engaged or employed by the pilot scheme provider, enable the pilot scheme provider to provide the persons to whom personal medical services are to be provided under the pilot scheme with personal medical services which are of greater benefit to them (or any of them) than the services which the pilot scheme provider would otherwise provide; and
 - (ii) the performance of personal medical services by the Part II practitioner will not adversely affect the provision of general medical services to the persons for whom he is obliged to provide those services.

Liability of Part II practitioners who perform personal medical services

3. A Part II practitioner who performs personal medical services by virtue of subparagraph (a) or (b) of regulation 2(2) shall be responsible for any act or omission of his which both gives rise to a breach of a pilot scheme and would, if the practitioner had been providing general medical services when the act or omission occurred, have been contrary to the terms of service contained in Schedule 2 to the National Health Service (General Medical Services) Regulations 1992⁽⁶⁾ or (as the case may be) Schedule 1 to the National Health Service (General Medical Services) (Scotland) Regulations 1995⁽⁷⁾, and that act or omission shall be treated as if it were a breach of those terms of service.

(5) “Medical list” is defined in section 2(5) of the National Health Service (Primary Care) Act 1997.

(6) S.I.1992/635. Relevant amending instruments are S.I. 1993/540, 1994/633, 1994/3130, 1995/80, 1995/3093, 1996/702, 1997/730, 1997/2468 and 1998/682.

(7) S.I. 1995/416. Relevant amending instruments are S.I. 1995/3199, 1996/842 and 1504 and 1997/943.

11th March 1998

Frank Dobson
One of Her Majesty's Principal Secretaries of
State,
Department of Health

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify the circumstances in which a doctor who performs personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997 may continue to have his name included in the medical list of a Health Authority or Health Board. They provide that such a doctor will be responsible for any act or omission of his which both gives rise to a breach of the pilot scheme and would, if the doctor had been providing general medical services, have constituted a breach of the terms of service contained in Schedule 2 to the National Health Service (General Medical Services) Regulations 1992 or (as the case may be) Schedule 1 to the National Health Service (General Medical Services) (Scotland) Regulations 1995. Such an act or omission is to be treated as if it were a breach of those terms of service.