
 S T A T U T O R Y I N S T R U M E N T S

2000 No. 2383
NATIONAL HEALTH SERVICE, ENGLAND
**The National Health Service (General Medical Services)
Amendment (No. 4) Regulations 2000**

Made - - - - - *5th September 2000*

Laid before Parliament *6th September 2000*

Coming into force - - *1st October 2000*

The Secretary of State for Health, in exercise of powers conferred on him by sections 29 and 126(4) of the National Health Service Act 1977(a) and of all powers enabling him in that behalf, hereby makes the following Regulations—

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the National Health Service (General Medical Services) Amendment (No. 4) Regulations 2000 and shall come into force on 1st October 2000.

(2) In these Regulations “the 1992 Regulations” means the National Health Service (General Medical Services) Regulations 1992(b).

(3) These Regulations apply to England only.

Amendment of the 1992 Regulations

2. (a) In Schedule 2 to the 1992 Regulations (terms of service), for paragraph 36 there shall be substituted the following paragraph—

“Records

36.—(1) In this paragraph, “computerised records,” means records created by way of entries on a computer.

(2) A doctor shall keep adequate records of the illnesses and treatment of his patients, and shall do so—

(a) on forms supplied to him for the purpose by the Health Authority; or

(a) 1977 c. 49; *see* section 128(1) as amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 26(2)(g) and (i), for the definitions of “prescribed” and “regulations”. Section 29 was extended by the Health and Medicines Act 1988 (c. 49), section 17; and amended by the Health Services Act 1980 (c. 53), sections 1 and 7 and Schedule 1, paragraph 42(b); by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 6, paragraph 2; by the Medical Act 1983 (c. 54), section 56(1) and Schedule 5, paragraph 16(a); by S.I. 1985/39, article 7(3); by the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 18; and by the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, paragraph 8. Section 126(4) was amended by the 1990 Act, section 65(2) and by the Health Act 1999 (c. 8), Schedule 4, and paragraph 37(6). As regards Wales, the functions of the Secretary of State under sections 29 and 126(4) of the 1977 Act are transferred to the National Assembly for Wales under article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 S.I. 999/672, these Regulations therefore extend only to England.

(b) S.I. 1992/635 to which there are amendments not relevant to these Regulations.

(b) subject to sub-paragraphs (3) and (4), by way of computerised records, or in a combination of those two ways.

(3) Where a doctor proposes to keep computerised records, he shall first obtain the written consent of the Health Authority.

(4) The Health Authority shall consent to a doctor's application to keep computerised records if it is satisfied that—

- (a) the computer system upon which he proposes to keep them has been accredited by the Secretary of State or another person on his behalf in accordance with "General Medical Practice Computer Systems—Requirements for Accreditation—RFA99"(a);
- (b) the security measures and the audit function incorporated into the computer system as accredited in accordance with sub-paragraph (a) have been enabled; and
- (c) the doctor is aware of, and has signed an undertaking, that he will have regard to the guidelines contained in "Good Practice Guidelines for General Practice Electronic Patient Records"(b),

and the Health Authority may withdraw its consent if it ceases to be so satisfied.

(5) Where a doctor keeps computerised records he shall, as soon as possible following a request from the Health Authority, allow the Health Authority access to the information recorded on his computer system by means of the audit function referred to in paragraph (4)(b).

(6) A doctor shall send the records relating to a patient to the Health Authority—

- (a) as soon as possible, at the request of the Health Authority; or
- (b) where a person on his list dies, before the end of the period of 14 days beginning with the date on which he was informed by the Health Authority of the death, or (in any other case) before the end of the period of one month beginning with the date on which he learned of the death.

(7) To the extent that a patient's records are computerised records, a doctor complies with sub-paragraph (6) if he sends to the Health Authority a copy of those records—

- (a) in written form; or
- (b) with the written consent of the Health Authority, in any other form.

(8) The Health Authority shall consent to the transmission of information other than in written form for the purposes of paragraph (7)(b) if it is satisfied with the following matter—

- (a) the doctor's proposals as to how the record will be transmitted;
- (b) the doctor's proposals as to the format of the transmitted record;
- (c) how the doctor will ensure that the record received by the Health Authority is identical to that transmitted; and
- (d) how a written copy of the record can be produced by the Health Authority,

and the Health Authority may withdraw its consent if it ceases to be satisfied as to any of the above matters.

(9) Where a doctor keeps computerised records he shall not disable, or attempt to disable, either the security measures or the audit function referred to in paragraph (4)(b).".

Signed by the Secretary of State for Health

John Denham
Minister of State,
Department of Health

5th September 2000

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- (a) This was published by the National Health Service Information Authority in October 1999. Copies may be obtained by writing to the National Health Service Information Authority, 15 Frederick Road, Birmingham B15 1JD.
 - (b) These guidelines were published by the National Health Service Executive on 31st August 2000. Copies may be obtained by writing to PC-GPMS, Room 7E24, Quarry House, Quarry Hill, Leeds LS2 7UE.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (General Medical Services) Regulations 1992 (S.I. 1992/635), which regulate the terms on which General Medical Services are provided under the National Health Service Act 1977.

The terms of service for doctors contained in Schedule 2 to those Regulations are amended to enable doctors to keep medical records relating to their patients either on paper or on computer or both. Where a doctor wishes to keep records either wholly or partly on computer, he must first obtain the Health Authority's consent. Where a doctor is required to send copies of his records to the Health Authority, he may only provide them other than in written form where the Health Authority has consented. In each case, the Health Authority will only give its consent where it is satisfied by the doctor about various matters specified in these Regulations.

STATUTORY INSTRUMENTS

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