

2003 No. 2863

NATIONAL HEALTH SERVICE, ENGLAND

**The National Health Service (General Medical Services
etc.) (Patients' Forums) Amendment Regulations 2003**

<i>Made</i> - - - - -	<i>10th November 2003</i>
<i>Laid before Parliament</i>	<i>10th November 2003</i>
<i>Coming into force</i> - -	<i>1st December 2003</i>

The Secretary of State for Health, in exercise of the powers conferred upon him by sections 29, 35, 36, 38, 41, 42 and 126(4) of the National Health Service Act 1977(a) and all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the National Health Service (General Medical Services etc.) (Patients' Forums) Amendment Regulations 2003 and shall come into force on 1st December 2003.

(2) These Regulations apply to England only.

(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 amended by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) ("the 1983 Act"), s. 14 and Schedule 6, paragraph 2; the Medical Act 1983 (c. 54) s. 56(1) and Schedule 5, paragraph 16; by S.I. 1985/39; by the Health Authorities Act 1995 (c. 17) ("the 1995 Act"), s. 4 and Schedule 1, paragraphs 18 and 28; by the National Health Service (Primary Care) Act 1997 (c. 46) ("the 1997 Act"), s. 41, Schedule 2, paragraphs 8 and 71(3) and Schedule 3, Part I; by the Health and Social Care Act 2001 (c. 15) ("the 2001 Act"), ss. 17 and 67(2) and Schedule 6; by the National Health Service Reform and Health Care Professions Act 2002 (c.17) ("the 2002 Act"), ss. 2 and 37, Schedule 2 paragraphs 1, 3 and Schedule 8, paragraphs 1 and 2. Section 35 was amended by the 1983 Act, section 15(a); by the Dentists Act 1984 (c. 24), section 54(1) and Schedule 5, paragraph 8; by S.I. 1985/39, article 7(9); by the 1995 Act, section 2(1) and Schedule 1, Pt I paragraphs 1 and 24; by the 1997 Act, Schedule 2, paragraphs 70 and 72 and by the 2002 Act, Schedule 2, paragraph 9. Section 36 was amended by S.I. 1981/432, article 3(3)(a); by the Health and Social Security Act 1984 (c. 48) ("the 1984 Act"), Schedule 3 paragraph 5; by the Health and Medicines Act 1988 (c. 26), ("the 1988 Act"), Schedule 2, paragraphs 1 and 4; by the 1990 Act, section 24; by the 1995 Act, Schedule 1, paragraphs 1 and 25; by the 1997 Act, Schedule 2, paragraphs 3, 12, 70 and 72; by the Health Act 1999 (c. 8) ("the 1999 Act"), section 93(3); by the 2001 Act, sections 20, 22 and 23, and by the 2002 Act, Schedule 2, paragraph 10. Section 38 was amended by S.I. 1985/39; the 1984 Act, s. 1; the 1988 Act, s. 13; the 1995 Act, s. 2 and Schedule 1, paragraph 27; the 2002 Act, s. 2 and Schedule 2, paragraphs 1 and 11; Section 41 was substituted by the 2001 Act, section 42(1) and amended by the 2002 Act, Schedule 2, paragraphs 1 and 13. Section 42 was substituted by the National Health Service (Amendment) Act 1986 (c. 66) section 3(1) and amended by the 1990 Act, section 12(3), the 1995 Act, Schedule 1, paragraph 30, the 2001 Act section 43 and the 2002 Act, Schedule 2, paragraphs 1 and 16. Section 126(4) was amended by the 1990 Act, section 65(2); by the 1999 Act, Schedule 4, paragraph 37(6) and by the 2001 Act, Schedule 5, paragraph 5(13)(b). As regards Wales, the functions of the Secretary of State under section 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. 1999/672; section 68 of the 2001 Act provides that Schedule 1 shall be construed so as to include the amendments made by that Act to the 1977 Act, which is section 43D; these Regulations therefore extend only to England.

Amendment of the General Medical Services Regulations

2. In Schedule 2 to the National Health Service (General Medical Services) Regulations(a) (terms of service for doctors), at the end of paragraph 51 (incorporation of provisions of regulations etc.), there shall be added—

“and

- (c) so much of regulation 3 of the Patients’ Forums (Functions) Regulations 2003(b) as relate to the entry and inspection of premises either owned or controlled by the doctor or where general medical services are provided.”.

Amendment of the General Dental Services Regulations

3. In Schedule 1 to the National Health Service (General Dental Services) Regulations 1992(c) (terms of service for dentists), at the end of paragraph 2 (incorporation of provisions of regulations), there shall be added—

“and

- (d) so much of regulation 3 of the Patients’ Forums (Functions) Regulations 2003 as relate to the entry and inspection of premises either owned or controlled by the dentist or where general dental services are provided.”.

Amendment of the General Ophthalmic Services Regulations

4. In Schedule 1 to the National Health Service (General Ophthalmic Services) Regulations 1986(d) (terms of service), at the end of paragraph 2 (incorporation of provisions), there shall be added—

“and

- (e) so much of regulation 3 of the Patients’ Forums (Functions) Regulations 2003 as relate to the entry and inspection of premises either owned or controlled by the contractor or where general ophthalmic services are provided.”.

Amendment of the Pharmaceutical Regulations

5. In Schedule 2 to the National Health Service (Pharmaceutical Services) Regulations 1992(e), at the end of paragraph 2 (incorporation of provisions), there shall be added—

“and

- (d) so much of regulation 3 of the Patients’ Forums (Functions) Regulations 2003 as relate to the entry and inspection of premises either owned or controlled by the chemist or doctor or where pharmaceutical services are provided.”.

Signed by authority of the Secretary of State for Health

10th November 2003

Rosie Winterton
Minister of State,
Department of Health

(a) S.I. 1992/635; relevant amendment is S.I. 2001/3742.
(b) S.I. 2003/2124.
(c) S.I. 1992/661; relevant amendments are S.I. 1996/704, 2001/3741 and 2002/2469.
(d) S.I. 1986/975; relevant amendments are S.I. 1996/705 and 2001/414.
(e) S.I. 1992/662; relevant amendments are S.I. 1996/698, 2002/2469 and 2003/1084.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (General Medical Services) Regulations 1992, the National Health Service (General Dental Services) Regulations 1992, the National Health Service (General Ophthalmic Services) Regulations 1986 and the National Health Service (Pharmaceutical Services) Regulations 1992, which regulate the terms upon which general medical services, general dental services, general ophthalmic services and pharmaceutical services respectively are provided under the National Health Service Act 1977, so as to incorporate into those terms certain duties relating to the entry and inspection of premises imposed on providers of services by the Patients' Forums (Functions) Regulations 2003.

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