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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the National Health Service (General Medical Services) Regulations 1992 (“the principal Regulations”), which regulate the terms on which doctors provide general medical services under the National Health Service Act 1977 (“the 1977 Act”) in order to implement certain provisions of the Health and Social Care Act 2001.

Regulation 2 adds some additional definitions to regulation 2 of the principal Regulations.

Regulation 3 amends regulation 6 of the principal Regulations to prevent a doctor withdrawing from the medical lists, without the consent of the National Assembly for Wales, when the Health Authority is investigating to see whether there are grounds for removal or suspension from the medical list, or whether the doctor has failed to comply with a condition imposed on the doctor’s inclusion so as to justify removal of the doctor from the list.

Regulation 4 amends regulation 7 of the principal Regulations so as to remove the mandatory removal of the name of any doctor convicted of murder or of a criminal offence and sentenced to 6 months. These grounds are moved to new regulation 7C of the principal Regulations, with the change that the sentence must now be for over 6 months, and other grounds are listed. Other minor changes are made to regulation 7.

Regulation 5 inserts new regulations 7A to 7H which give effect to powers given in sections 49F to 49R of the 1977 Act (inserted by section 25 of the Health and Social Care Act 2001)—

Regulation 7A extends the definition of a “health scheme” in section 49(8) of the 1977 Act;

Regulation 7B sets out the criteria the Health Authority must take into account when exercising its discretionary powers of removal under section 49F of the 1977 Act;

Regulation 7C sets out the grounds for mandatory removal by the Health Authority of a doctor from the medical list;

Regulation 7D provides for a Health Authority to notify persons of specified information relating to decisions to remove or suspend a doctor from the medical list;

Regulation 7E provides the procedures to be followed by Health Authorities on removal of a doctor from the medical list;

Regulation 7F provides the procedure to be followed by Health Authorities on suspension of a doctor from the medical lists;

Regulation 7G provides the procedure to be followed by the Health Authorities where the Health Authority decides to review a decision to conditionally include, conditionally remove, or suspend a doctor from the medical list;

Regulation 7H amends the statutory period for review set in section 49N of the 1977 Act in specified circumstances.

Regulation 6 amends regulation 18E of the principal Regulations so as to add additional criteria for approval and nomination of doctors to the medical lists.

Regulation 7 adds new regulations 18EE and 18EF to the principal Regulations. Regulation 18EE sets out the grounds on which a Health Authority may or must refuse to approve or nominate a doctor to the medical lists, and the criteria to which the Health Authority must have regard. Regulation 18EF sets out the circumstances in which a Health Authority may defer consideration of an application to approve or nominate a doctor in the medical list, and the procedure to be followed.

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

Regulation 8 makes minor amendments to regulation 18F of the principal Regulations, and allows Health Authorities to enter a doctor's name on the list subject to conditions, with the doctor's consent, until any appeal has been decided.

Regulation 9 amends regulation 18G of the principal Regulations to allow for appeals to the National Assembly for Wales on a point of law from decisions on the doctor's linguistic proficiency.

Regulation 10 adds a new regulation 18GG to the principal Regulations to allow an appeal to the FHSAA against a decision by a Health Authority to refuse to approve or nominate a doctor.

Regulations 11 and 12 make minor amendments to regulations 18I and 18J of the principal Regulations.

Regulation 13 inserts a new regulation 18M into the principal Regulations. This provides for a Health Authority to impose conditions when it includes a doctor in the medical list. The Health Authority may review such conditions and there is an appeal to the FHSAA. The Health Authority may remove the doctor for breach of a condition.

Regulation 14 amends regulation 25 of the principal Regulations to allow for a Health Authority to appoint a temporary doctor to look after the patients of a doctor suspended by the Health Authority.

Regulation 15 substitutes a new regulation 34A of the principal Regulations because the power on which it relied, section 49E of the 1977 Act, was repealed in the Health and Social Care Act 2001, Schedule 5, paragraph 5. New provision for paying practitioners suspended under the new powers inserted by the Health and Social Care Act 2001 is made.

Regulation 16 amends Schedule 2 to the principal Regulations (the GPs' terms of service).

There is a minor consequential amendment to paragraph 18A (out-of hours arrangements).

Paragraph 22 is amended to require organisations providing deputy doctors to use only doctors who are included in the supplementary or medical list, or are named as performers of personal medical services a pilot scheme.

Paragraph 23A imposes certain further requirements on doctors employing assistants or deputies.

A new requirement is added at paragraph 36A to require a GP to notify the Health Authority in writing as to whether or not the doctor, or a company of which the doctor is a director, has any criminal convictions or other specified matters by 31st October 2002, and to report any subsequent events of this nature within 7 days.

Paragraph 36B requires a doctor on the medical list of a Health Authority to inform the Health Authority if the doctor, or a company of which the doctor is a director, applies to join another list, or if the doctor becomes a director of a company that is so included, or is applying to be included.

New paragraph 50A requires a doctor to co-operate with an assessment by the new National Clinical Assessment Authority.

Regulations 17 and 18 make minor amendments to Parts 1 (information to be included in a report by a Health Authority when making a reference to the Medical Practices Committee) and III (information and undertakings to be given by a practitioner in connection with an application for nomination or approval for a practice vacancy) of Schedule 3 to the principal Regulations, and provide for more information to be provided by the doctor. The undertaking given under paragraph 25 is extended to require the doctor to undertake to inform the Health Authority of any changes to the information provided with the application, and to continue to supply information to the Health Authority once included. New paragraph 26 requires the doctor to consent to the Health Authority asking the doctor's regulatory body to give specified information to the Health Authority.

In addition, regulations 7 and 25 of the principal Regulations are amended to include a reference to the interim suspension orders available under section 41A of the Medical Act 1973.