

# HEALTH AND SOCIAL CARE ACT 2001

---

## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 1: National Health Service

##### Health Service Funding

##### Abolition of Medical Practices Committee and National Health Service Tribunal

##### *Section 14: Abolition of Medical Practices Committee*

78. *Section 14* abolishes the Medical Practices Committee (“MPC”). (*Section 15* transfers the function of declaring GP vacancies to Health Authorities). This section should be considered alongside *section 1*, which provides for Health Authority allocations to be determined with reference to both their general allocations and Part 2 general expenditure in their area. This is intended to provide a new resource based method of control over the distribution of GPs and is intended to ensure that Health Authorities with a shortage of GPs will now be given sufficient allocations to attract more GPs. The result of this is intended to be a more equitable distribution of GPs.
79. The MPC is constituted under sections 7 and 34 of the 1977 Act. Its main function is to control the distribution of the general practitioner workforce in England and Wales. Essentially it controls the numbers of general medical practitioners wishing to provide GMS in Health Authority areas. This function will be taken on by Health Authorities, so *Section 14* provides for the abolition of the MPC. Sections 7 and 34 of the 1977 Act are therefore repealed in Schedule 6 to the Act.
80. *Subsection (2)* provides for the transfer to the Secretary of State of all property, rights and liabilities relating to the MPC including certification regarding the sale of medical practices. This includes certification relating to the sale of goodwill.

##### *Section 15: Vacancies for medical practitioners*

81. *Section 15* provides for regulations enabling Health Authorities to determine the existence, and filling, of vacancies in their area for GPs under GMS and requiring them to undertake consultation before making their determinations.
82. *Subsection (3)* provides for a right of appeal against a decision of a Health Authority as to how a vacancy is to be filled to the Family Health Services Appeal Authority. The existing right of appeal is to the Secretary of State.
83. *Section 15* alongside *section 1* provides for a new method of controlling the distribution of GPs. Health Authorities will have the power to declare vacancies under GMS, but GMS expenditure within the Health Authority area will be taken into account when determining the allocation of funds to that Health Authority. This is expected to lead to a more equitable distribution of GPs and health resources.

***Section 16: Abolition of NHS Tribunal***

84. *Sections 20 to 26* introduce a new system whereby all practitioners working in family health services will be required to be on the list of a Health Authority and for decisions about the removal and suspension of such practitioners from these lists to be taken by Health Authorities. The aim is that this will lead to faster and more effective decisions being taken where there are doubts about the ability of a practitioner to practise. Consequentially, the NHS Tribunal will no longer be needed. *Section 16* provides for the NHS Tribunal to be abolished. Sections 46 to 49E of, and Schedule 9 to the 1977 Act (which relate to its constitution and functions) are repealed in Schedule 6 to this Act.