
STATUTORY INSTRUMENTS

1991 No. 572 (S. 57)

NATIONAL HEALTH SERVICE, SCOTLAND

**The National Health Service (General
Medical and Pharmaceutical Services)
(Scotland) Amendment Regulations 1991**

<i>Made</i>	- - - -	<i>8th March 1991</i>
<i>Laid before Parliament</i>		<i>12th March 1991</i>
<i>Coming into force</i>	- -	<i>1st April 1991</i>

The Secretary of State, in exercise of powers conferred on him by sections 19, 23, 24, 27, 28, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1) and by section 39(8) of the National Health Service and Community Care Act 1990(2), and of all other powers enabling him in that behalf and after consulting the Council on Tribunals and its Scottish Committee, insofar as such consultation is required in accordance with section 10 of the Tribunals and Inquiries Act 1971(3), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Amendment Regulations 1991 and shall come into force on 1st April 1991.

(2) In these Regulations “the principal Regulations” means the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1974(4).

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- (1) 1978 c. 29; section 19 was intended by the Health Services Act 1980 (c. 53) (“the 1980 Act”), section 7, by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) (“the 1983 Act”), Schedule 7, paragraph 2, by the Medical Act 1983 (c. 54), Schedule 5, paragraph 17(a) and the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 37; section 23 was amended by S.I. 1981/432, article 4(2), by the Health and Medicine Act 1988 (c. 49) (“the 1988 Act”), Schedule 2, paragraph 10, the 1990 Act, section 39(1) to (6); section 24 amended by the 1990 Act, section 39(7); section 27 was amended by the 1981 Act, section 20(2), by the National Health Service (Amendment) Act 1986 (c. 66) (“the 1986 Act”), section 3(3) and by the 1990 Act, Schedule 9, paragraph 19(7); section 28 was amended by the 1986 Act, section 3(4) and by the 1990 Act, Schedule 9, paragraph 19(8); the provisions of sections 19 and 27(2) are subject to the 1988 Act, section 17; section 105(7), which was amended by the 1980 Act, Schedule 6, paragraph 5 and Schedule 7 and by the 1983 Act, Schedule 9, paragraph 24, contains provisions relevant to the exercise of the statutory powers under which these Regulations are made; see section 108(1) for definitions of “prescribed” and “regulations”
- (2) 1990 c. 19.
- (3) 1971 c. 62.
- (4) S.I. 1974/506 relevant amending instruments are S.I. 1975/696, 1978/1762, 1981/56, 1982/1279, 1985/296, 534, 804, 1625 and 1713, 1986/303, 925, 1507 and 2310, 1987/385 and 1382, 1988/1073 and 2259, 1989/1883 and 1990 and 1990/883 and 2509.

Amendment of regulation 2 (interpretation) of the principal Regulations

2.—(1) In paragraph (1) of regulation 2 (interpretation) of the principal Regulations the following definitions shall be inserted at the appropriate places in the alphabetical order:—

- “the Amendment Regulations” means the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Amendment Regulations 1991;
- “full-time doctor” shall be construed in accordance with regulation 12A(a);
- “half-time doctor” shall be construed in accordance with regulation 12A(c);
- “job-sharing doctor” shall be construed in accordance with regulation 12A(d);
- “restricted doctor” shall be construed in accordance with regulation 12A(e);
- “three-quarter-time doctor” shall be construed in accordance with regulation 12A(b);.

(2) In paragraph (2) of that regulation—

- (a) in sub-paragraph (b)(i) for the words from “doctor” to “week” there shall be substituted the words “full-time doctor”;
- (b) in sub-paragraph (b)(ii) for the words from “doctor” to “week” (in the second place where it occurs) there shall be substituted the words “three-quarter-time doctor”;
- (c) in sub-paragraph (b)(iii) for the words from “doctor” to “week” (in the second place where it occurs) there shall be substituted the words “half-time doctor”, and at the end of that head there shall be added the word “or”;
- (d) after sub-paragraph (b)(iii) there shall be added the following head:—
 - “(iv) in the case of a job-sharing doctor, he is entitled to a share of the profits which, when added to the share of the other job-sharing doctor with whose hours his hours are being aggregated for the purposes of regulation 12A(d), is not less than one third of the share of the partner with the greatest share.”.

(3) Paragraph (3) shall be omitted and paragraphs (4), (5) and (6) shall be renumbered (3), (4) and (5) respectively.

Amendment of regulation 4 (medical list) of the principal Regulations

3.—(1) In regulation 4 (medical list) of the principal Regulations after paragraph (1) there shall be inserted the following paragraphs:—

“(1A) The medical list shall be divided into five Parts as follows:—

- (a) Part I shall contain the names of doctors who are full-time doctors;
- (b) Part II shall contain the names of doctors who are three-quarter-time doctors;
- (c) Part III shall contain the names of doctors who are half-time doctors;
- (d) Part IV shall contain the names of doctors who are job-sharing doctors; and
- (e) Part V shall contain the names of doctors who are restricted doctors.

(1B) A Health Board shall—

- (a) as respects the name of any doctor included in its medical list on 1st April 1991; or
- (b) when including the name of any doctor in its medical list on or after that date, include the name in that Part of the list which is, by virtue of paragraph (1A), appropriate in the case of that doctor, having regard to the nature of any condition imposed in relation to him by the Medical Practices Committee under regulation 12A or treated as so imposed under regulation 22(3) of the Amendment Regulations.”.

(2) In paragraph (4)(f) of that regulation for the word “map” there shall be substituted the words “sketch, diagram or plan”(5).

Amendment of regulation 4A (child health surveillance list and minor surgery list) of the principal Regulations

4. In paragraph (1) of Regulation 4A (child health surveillance list and minor surgery list) of the principal Regulations(6) for the words “minor surgery services” in the second place where they occur, there shall be substituted the words “all of the procedures listed in Part IB of Schedule 1 to these Regulations”.

Amendment of regulation 4B (amendment of the medical list) of the principal Regulations

5. In regulation 4B (amendment of the medical list) of the principal Regulations(7) after paragraph (3) there shall be inserted the following paragraph:—

“(4) The Board shall, on being notified by the Medical Practices Committee that it has, in relation to any doctor whose name is included in the medical list, varied under regulation 12B any condition mentioned in paragraph (1)(a)(ii) or (c) of that regulation, amend the medical list by including the name of that doctor in that part of the medical list which, having regard to the nature of the condition as varied, is appropriate in his case by virtue of regulation 4(1A).”.

Amendments to regulation 7 (reports by board to medical practices committee) of the principal Regulations

6. Regulation 7 (reports by board to medical practices committee) of the principal Regulations shall be amended as follows:—

- (a) at the end of paragraph (1) there shall be inserted the following words—

“and the Committee may determine that an additional doctor is required in any part of the area of the Board”;
- (b) at the end of paragraph (2) there shall be inserted the following words—

“and the Committee shall determine whether the vacancy should be filled”;
- (c) there shall be inserted new paragraphs (3) and (4) as follows:—

“(3) where the Committee decides that under paragraph (1) there is need for an additional doctor or under paragraph (2) that a vacancy should be filled, it shall direct the Board in writing to that effect.

(4) In regulations 8 and 12 the expression “vacancy” means a requirement for—

 - (a) an additional doctor as determined by the Committee under paragraph (1); or
 - (b) a doctor to succeed to a doctor following a determination by the Committee under paragraph (2).”.

Amendments to regulation 8 (succession to vacant medical practices) of the principal Regulations

7. For paragraphs (1) to (5) of regulation 8 (succession to vacant medical practices) of the principal Regulations, there shall be substituted the following:—

(5) See [S.I. 1989/1990](#), regulation 4(3)(b).

(6) Regulation 4A was inserted by [S.I. 1989/1990](#), regulation 5.

(7) Regulation 4B was inserted by [S.I. 1989/1990](#), regulation 5.

“(1) Where the Board has been directed by the Medical Practices Committee that a vacancy ought to be filled, the Board may, and if so directed by the Medical Practices Committee shall, give public notice of the vacancy in accordance with paragraph (2).

(2) A notice of a vacancy to be given under this regulation shall be published in such a manner as the Board subject to any directions given by the Medical Practices Committee, consider is likely to bring the vacancy to the attention of prospective applicants located outside the Board’s area and shall include—

- (a) in the case of a vacancy in a practice details of the nature and location of the practice;
- (b) in the case of a vacancy in relation to which the Medical Practices Committee has indicated that it is likely to impose a condition under section 23(4) of the Act⁽⁸⁾ in relation to an applicant chosen to fill the vacancy, details of any such condition; and
- (c) the closing date for receipt by the Board of any application to fill the vacancy.

(3) An application for a vacancy under this regulation shall be submitted in writing to the Board not later than the date specified in the notice to be given under paragraph (2) (c), shall be accompanied by the applicant’s application under regulation 6(1) (Application for inclusion in the Medical list) and, in addition to any other information specified under paragraph (2), shall include the following information:—

- (a) whether the applicant intends to practise as—
 - (i) a full-time doctor;
 - (ii) a three-quarter-time doctor;
 - (iii) a half-time doctor;
 - (iv) a job-sharing doctor; or
 - (v) a restricted doctor; and
- (b) where the applicant intends to practise as a job-sharing doctor, the name of the other job-sharing doctor with whose hours the applicant’s hours are to be aggregated for the purpose of regulation 12A(1)(d).

(4) Where a Health Board receives more than one application for any vacancy it shall select, in accordance with paragraphs (5) to (7), the applicant whose application it wishes to be considered by the Medical Practices Committee.

(5) Before making its selection for the purposes of paragraph (6) the Board shall consult the area medical committee and may give to any applicant for the vacancy an opportunity of making—

- (a) further representations to it in writing;
- (b) where the Board sees fit, representations to it in person.

(6) When the Board has selected an applicant, it shall —

- (a) notify each applicant in writing whether or not he has been selected;
- (b) inform any applicant who has not been selected of his right to appeal to the Secretary of State on a point of law under section 23(2A)(c) of the Act⁽⁹⁾; and
- (c) subject to the next paragraph send the application of the selected applicant to the Medical Practices Committee, indicating in writing that it wishes that application to be considered by that Committee.

⁽⁸⁾ Section 23(4) was amended by the 1990 Act, section 39(3).

⁽⁹⁾ Section 23(2A) was inserted by the 1990 Act, section 39(2).

(7) An application shall not be sent to the Medical Practices Committee under paragraph (6) until—

(a) the time has expired for bringing an appeal under section 23(2A)(c) of the Act in connection with the non-selection of any applicant for the vacancy to which the application relates; or

(b) where such an appeal is made—

(i) the appeal has been determined adversely for the applicant; or

(ii) where the appeal is successful, the Health Board has reconsidered the application in respect of which the appeal was made,

whichever is the later.

(8) The Board shall have regard, in making a selection under paragraph (6),—

(a) to any desire expressed by an applicant to practise with other doctors who provide general medical services in the locality and to any wish expressed by such other doctors to take any applicant into practice with them and shall have special regard to these matters in cases where any applicant is a relative of any such doctor; and

(b) to any wish expressed by an applicant to provide general medical services as an additional doctor in any part of the area of the Board.

(9) A doctor who has not been selected to fill a vacancy may appeal on a point of law to the Secretary of State and the provisions of regulation 13 shall apply in relation to any such appeal.

(10) This regulation does not apply in the case of a doctor who has given notice of his wish to exchange his practice in accordance with regulation 9 of these Regulations or where the doctor is, in relation to the practice, a doctor to whom regulation 20 of these Regulations applies.

(11) An application under this regulation to fill a vacancy is an application to which section 23(2A)(c) of the Act applies.”.

Amendment of regulation 12 (procedure for the determination of applications) of the principal Regulations

8.—(1) Regulation 12 (procedure for the determination of applications) of the principal Regulations shall be amended as follows.

(2) For paragraph (1) there shall be substituted the following paragraphs:—

“(1) The Medical Practices Committee shall determine applications under section 20 of the Act in accordance with the following paragraphs of this regulation.

(1A) When determining an application to fill a vacancy which is made under regulation 8 the Medical Practices Committee shall—

(a) where the application is the only one for the vacancy or is the one which has been selected by the Health Board for consideration by that Committee, grant the application;

(b) where the application is not the one which has been so selected for such consideration, the Medical Practices Committee shall refuse the application.”.

(3) In paragraph (2), the words from “and the Committee” to the end shall be deleted.

(4) In paragraph (3)—

(a) after the word “If”, for the words from “the Committee” to “concerned and” there shall be substituted the words “, in the case of any application,”;

- (b) for the words “they shall” there shall be substituted the words “the Committee shall”;
- (c) in sub-paragraph (a) before the word “applications” there shall be inserted the words “selection of the”;
- (d) after sub-paragraph (b) there shall be inserted the following new sub-paragraphs—
 - “(c) before it grants any application, ascertain whether or not the applicant is suitably experienced within the meaning of section 21 of the Act;
 - (d) where it grants the application, consider—
 - (i) which of the conditions specified in regulation 12A is appropriate in relation to the applicant; and
 - (ii) whether it should impose in relation to the applicant any condition mentioned in section 23(4)(b) of the Act;”;
- (e) sub-paragraph (c) shall be renumbered (e) and in that sub-paragraph (c) for the word “inform” there shall be substituted the words “give notice in writing to”; and
- (f) sub-paragraph (d) shall be renumbered (f) and in the sub-paragraph there shall be inserted at the end the words “on a point of law”.

Insertion of new regulations 12A (conditions under which general medical services are to be provided) and 12B (Variation of conditions)

9. After regulation 12 (procedure for the determination of applications) there shall be inserted the following new regulations:—

“Conditions under which general medical services are to be provided

12A. Where, for the purposes of section 23(4)(a) of the Act⁽¹⁰⁾, the Medical Practices Committee specifies the provision of general medical services for which an applicant is entitled to be remunerated, they shall do so by reference to the condition that he shall provide such services as—

- (a) a full-time doctor, that is to say a doctor who is to provide general medical services during not less than 26 hours in any week in which he is, pursuant to paragraph 13A of the terms of service, available to provide such services; or
- (b) a three-quarter-time doctor, that is to say a doctor who is to provide such services during less than 26 hours, but not less than 19 hours, in any such week; or
- (c) a half-time doctor, that is to say a doctor who is to provide such services during less than 19 hours, but not less than 13 hours, in any such week; or
- (d) a job-sharing doctor, that is to say a doctor—
 - (i) who is to practise in partnership with another doctor whose name is included in the medical list;
 - (ii) who is himself to provide such services during less than 26 hours in any such week; and
 - (iii) for whom the hours during which he is to be engaged in the provision of such services are, when aggregated with the hours of that other doctor, to amount to not less than 26 hours in any such week; or
- (e) a restricted doctor, that is to say a doctor—
 - (i) who is a restricted list principal or a restricted services principal; and

⁽¹⁰⁾ Section 23(4)(a) was inserted by the 1990 Act, section 39(3).

- (ii) who is to provide general medical services during such number of hours in any week as that Committee shall determine having regard to the range of services to be provided by the doctor and the category of patients to whom the services are to be provided.

Variation of conditions

12B.—(1) A doctor whose name is included in a medical list may apply, in accordance with paragraph (2), for the variation of any condition—

- (a) imposed by the Medical Practices Committee—
 - (i) excluding the provision by that doctor of general medical services in a specified part or specified parts of the area of the Health Board;
 - (ii) on or after 1st April 1991, under regulation 12A in relation to the extent to which that doctor may carry out remunerated work;
- (b) imposed by the Secretary of State in connection with the determination by him of any appeal from a decision of the Medical Practices Committee;
- (c) treated, by virtue of regulation 22(3) of the Amendment Regulations, as having been imposed by that Committee on 1st April 1991.

(2) An application for the purposes of paragraph (1) shall be made in writing to the Health Board and shall include the information specified in Part IIA of Schedule 1 to these Regulations.

(3) On receipt of an application under this regulation, the Health Board shall forward the application to the Medical Practices Committee, together with its observations in writing on the application.

(4) The Health Board shall send to the doctor a copy of the observations it has made on his application, and the doctor may, within 14 days of receiving the copy of the observations, send to the Medical Practices Committee his representations in writing in response to the observations.

(5) The provisions of regulation 12(2) and (4) as respects the constitution and quorum of the Medical Practices Committee shall apply in the case of a decision by that Committee in relation to an application under this regulation as they apply to a decision in relation to an application under that regulation.

(6) The Medical Practices Committee shall not consider an application under this regulation until it has received representations from the doctor under paragraph (4) or until the time allowed under that paragraph for the making of representations has expired, whichever is the earlier.

(7) On consideration of an application under this regulation the Medical Practices Committee—

- (a) shall take account of the observations made by the Health Board and of any observations made by the doctor in response;
- (b) in deciding the application, may—
 - (i) refuse to vary any condition in respect of which the application was made; or
 - (ii) vary any such condition by imposing in relation to the doctor such other condition mentioned in paragraph (1)(a) to (c) as has been requested in the application; and
- (c) shall give notice of its decision in writing to the doctor and to the Health Board.

(8) Where the Medical Practices Committee refuses under paragraph (7)(b) to vary a condition it shall, when it gives notice to the doctor of its decision—

- (a) include with the notice a statement of the reasons for its decision; and
- (b) advise the doctor of his right of appeal under paragraph (9).

(9) A doctor may appeal to the Secretary of State on a point of law against the refusal of the Medical Practices Committee to vary a condition under this regulation, and—

- (a) regulation 13 shall apply to the making and determination of any such appeal; and
- (b) where the Secretary of State allows such an appeal, he shall remit the application to that Committee for reconsideration.”.

Amendment of regulation 13 (appeal to the Secretary of State) of the principal Regulations

10. In regulation 13 (appeal to the Secretary of State) of the principal Regulations—

(a) for paragraphs (1) and (2) there shall be substituted the following paragraphs:—

“(1) Any appeal to the Secretary of State on a point of law—

- (a) pursuant to section 23(2A)(c) of the Act⁽¹¹⁾ by a doctor who has not been selected by a Health Board as mentioned in paragraph (c) of that subsection; or
- (b) pursuant to section 23(5) of that Act by a doctor whose application under section 20 of that Act has been refused by the Medical Practices Committee or has been granted by that Committee subject to conditions; or
- (c) pursuant to regulation 12B (variation of conditions in connection with inclusion in a medical list),

shall be made and determined in accordance with the following paragraphs of this regulation.

(2) A doctor may appeal by sending to the Secretary of State a notice of appeal within 14 days, or within such longer period as the Secretary of State may for reasonable cause allow, of the date on which notice of the decision of the Health Board or, as the case may be, the Medical Practices Committee is given to him.

(2A) A notice of appeal shall contain a concise statement of the point or points of law in respect of which the doctor contends that the decision of the Health Board or, as the case may be, the Medical Practices Committee is erroneous.”;

(b) in paragraph (3) for the words from “the Committee” to the end of the paragraph there shall be substituted the words “and the Board or, as the case may be, the Medical Practices Committee”;

(c) in paragraph (4) for the words from “appoint” to the end of the paragraph there shall be substituted the words

“appoint—

- (a) a person who is an advocate or a solicitor; and
- (b) where the Secretary of State sees fit, one or more other persons, to hear the appeal.”;

(d) in paragraph (5) for the words “Committee, the Board” there shall in each case be substituted the words “Health Board or, as the case may be, the Committee”;

(e) in paragraph (6), the words “Committee and the Board” there shall be substituted the words “Board or, as the case may be, the Committee”;

⁽¹¹⁾ Section 23(2A)(c) was inserted by the 1990 Act, section 39(2).

- (f) after paragraph (8) there shall be added the following paragraph:—
- “(9) Where, on allowing an appeal, the Secretary of State remits an application to the Board or, as the case may be, the Committee for reconsideration—
- (a) he shall give to that Board or, as the case may be, that Committee such directions as appear to him to be desirable with a view to ensuring the proper determination of the application in accordance with the relevant law; and
 - (b) that Board or, as the case may be, that Committee shall redetermine the application and in so doing shall comply with any directions given by the Secretary of State under sub-paragraph (a) of this paragraph.”.

Amendment of regulation 16 (assignment of persons to doctors) of the principal Regulations

11. For regulation 16 (assignment of persons to doctors) of the principal Regulations there shall be substituted the following regulations:—

“Assignment of persons to doctors

16.—(1) If a person applies to the Board for assignment to a doctor (irrespective of whether or not he is at the date of application included in the list of patients of another doctor), or is deemed to have so applied in accordance with the provisions of paragraph 4(2) of the terms of service, the Board shall assign him to such doctor as it thinks fit (including the doctor in whose list of patients he is presently included), having regard to the distance between the person’s place of residence and the premises at which the doctors in the locality carry on practice and to such other circumstances as appear to the Board to be relevant, and shall forthwith give notice in writing of any decision hereunder to—

- (a) the person;
- (b) any doctor to whom the person is assigned by virtue of this regulation; and
- (c) to any other doctor who may be concerned.

(2) A doctor may apply to the Board to be exempted from having assigned to him any person or class of persons and the Board may grant or refuse any application under this paragraph.

(3) Any doctor of a description specified in paragraph 5 of the terms of service may apply to the Board to be granted relief from liability from emergency calls as provided in that paragraph and the Board may grant or refuse any application hereunder.

(4) Forthwith after it takes any decision in respect of any application under paragraph (2) or (3) the Board shall give notice in writing to the doctor of its decision with its reasons therefor.

(5) A doctor in respect of whom a Board has made a decision (“the initial decision”) under paragraph (1), (2) or (3) may, within 7 days of receiving notice of it, make representations in writing to that Board against that decision.

(6) Where a doctor makes representations under paragraph (5) the Board shall give to that doctor the opportunity to address it in the course of an oral hearing in support of those representations.

(7) Any oral hearing under paragraph (6) shall be held within 14 days of receipt by the Board of the representatives.

(8) A doctor who has made representations against a decision under paragraph (1) shall remain responsible for the treatment of the person concerned until the expiry of 7 days—

- (a) where there is an oral hearing under paragraphs (6) and (7) after a hearing;

(b) in any other case, after the making of representations under paragraph (5).

(9) Where representations are made under paragraph (5) the Board shall, subject to paragraph (9), review its initial decision and shall either confirm or revise it.

(10) No person who participated in the making of an initial decision under this regulation shall participate in a review of that decision under paragraph (8).

(11) The Board shall, within 7 days of making a determination under paragraph (8), give notice to the doctor thereof in writing with its reasons therefor, and, where an initial decision made under paragraph (1) has been revised, shall notify also the patient and the other doctor to whom the patient is assigned under the revised determination.”.

Amendment to regulation 28 (pharmaceutical list) of the principal Regulations

12. In paragraph (6A) of regulation 28 of the principal Regulations (pharmaceutical list)(**12**) for the words “that specified in paragraph (3)(b)” there shall be substituted the words “one to which paragraph (3A) applies”.

Amendment of Part I (terms of service for doctors) of Schedule 1 to the principal Regulations

13. Part I of Schedule 1 to the principal Regulations (terms of service for doctors) shall be amended in accordance with the provisions of Schedule 1 to these Regulations.

Amendment of Part IB (minor surgery procedures) of Schedule 1 to the principal Regulations

14. In Part IB (minor surgery procedures) of Schedule 1 to the principal Regulations(**13**) the entries “ganglions” and “ligation of varicose veins” shall be omitted.

Amendment of Part IC (information to be included in practice leaflets) of Schedule 1 to the principal Regulations

15. In Part IC (information to be included in practice leaflets) of Schedule 1 to the principal Regulations(**14**) in paragraph 17 for the word “map” there shall be substituted the words “sketch, diagram or plan”.

Amendment of Part ID (information to be included with any application under paragraph 13A of Part I) of Schedule 1 to the principal Regulations

16. In Part ID (information to be included with any application under paragraph 13A of Part I of Schedule 1 to the principal Regulations(**15**) Parts 4, 5 and 6 shall be omitted.

Amendments to Part II (information and undertakings to be included in an application for inclusion in medical list) Schedule 1 to the principal Regulations

17. In Part II (information and undertakings to be included in an application for inclusion in medical list) of Schedule 1 to the principal Regulations(**16**)—

(12) Paragraph (6A) was inserted by [S.I. 1988/1073](#) and paragraph (3A) was inserted by [S.I. 1990/2509](#).

(13) Part IB of Schedule 1 was inserted by [S.I. 1989/1990](#), regulation 16(b) and Schedule 1, Part II.

(14) Part IC of Schedule 1 was inserted by [S.I. 1989/1990](#), regulation 16(b) and Schedule 1, Part II.

(15) Part ID of Schedule 1 was inserted by [S.I. 1989/1990](#), regulation 16(b) and Schedule 1, Part II.

(16) Part II of Schedule 1 was inserted by [S.I. 1989/1990](#), regulation 16(c) and Schedule 2.

- (a) in item 11 for the words “proposed practice area (including appropriate map)” there shall be substituted the words “the geographical boundary of his proposed practice area by reference to a sketch, diagram or plan of a scale approved by the Board”;
- (b) in item 12 before the word “proposed” there shall be inserted the words “address of”, and
- (c) after item 12 there shall be inserted the following items:—

“**12A.** Whether the applicant intends to practise as—

- (a) a full-time doctor;
- (b) a three-quarter-time doctor;
- (c) a half-time doctor;
- (d) a job-sharing doctor; or
- (e) a restricted doctor.

12B. Where the applicant intends to practise as a job-sharing doctor, the name of the other job-sharing doctor with whose hours the applicant’s hours are to be aggregated for the purposes of regulation 12A(d).”.

Insertion of new Part IIA (information to be included in an application for variation of a condition imposed in connection with inclusion in a medical list) in Schedule 1 to the principal Regulations

18. After Part II of Schedule 1 there shall be inserted a new Part IIA (information to be included in an application for variation of a condition imposed in connection with inclusion in a medical list) as set out in Schedule 2 to these Regulations.

Amendments to Schedule 2A (drugs and other substances not to be supplied by general medical practitioners or prescribed for supply under pharmaceutical services) to the principal Regulations

19. In Schedule 2A to the principal Regulations(17)—

- (a) the following shall be deleted:—
 - “Adexolin Vitamin Drops
 - Normacol Antispasmodic”; and
- (b) each of the following entries shall be inserted at the appropriate point in the alphabetical order:—
 - “Acarosan Foam
 - Acarosan Moist Powder
 - Acnaveen Bar
 - Altelave Liquid
 - Aveeno Baby
 - Aveenobar
 - Beecham Coughcaps
 - Biocare GLA Complex Tablets
 - Biocare Efaxplex Linseed/GLA Blend Capsules

(17) Schedule 2A was inserted by S.I. 1985/296; relevant amending instruments are S.I. 1985/534, 804 and 1713, 1986/303, 925, 1507 and 2310, 1987/1382, 1988/1073 and 2259, 1989/1883 and 1990/883 and 2509.

Buttercup Syrup Honey and Lemon
Colgate Dental Cream with MFP Fluoride
Cupanol Over Six Paracetamol Suspension
Disprin Solmin Tablets
Efamolia Night Cream
Emulave
EPOC Capsules
Flurex Bedtime Cold Remedy
Flurex Capsules
Flurex Decongestant Inhalant Capsules
Flurex Hot Lemon Concentrate
Flurex Tablets
Gale's Honey
Galloway's Bronchial Cough Care
GF Brand English Style Mustard
Kenco Instant Decaffeinated Coffee
Lamberts Evening Primrose Oil 250mg Capsules
Lamberts Evening Primrose Oil 500mg Capsules
Lamberts Evening Primrose Oil 1000mg Capsules
Lyons Ground Coffee Beans
Macleans Toothpaste
Micaveen
Mitchell's Wool Fat Soap
Neseafe Instant Coffee
Nestle Nativa HA
Oilatum Soap
Power GLA 65 (Borage Oil) Capsules
Progress Powder
Rite-Diet Diabetic Cherry Cake
Robitussin Expectorant
Robitussin Expectorant Plus
Schar Gluten Free Sponge Cakes
SR Toothpaste (Gibbs)
Unichem Cold Relief Capsules".

Amendments to Schedule 3 (terms of service for chemists) to the principal Regulations

20.—(1) In paragraph 2 of Part I (terms of service for chemists) of Schedule 3 to the principal Regulations—

- (a) in sub-paragraph (1) at the beginning there shall be inserted “Subject to paragraphs (1A) and (1B)”;

- (b) sub-paragraphs (1A) and (1B) shall be re-numbered respectively (1D) and (1E); and
- (c) after sub-paragraph (1) there shall be inserted new sub-paragraphs as follows:—

“(1A) A chemist shall not accept for dispensing any prescription form transmitted from or received at a registered pharmacy which is not included in the pharmaceutical list.

(1B) A chemist shall not supply any drugs or listed appliances ordered on a prescription form other than at a registered pharmacy which is included in the pharmaceutical list.

(1C) In this paragraph and paragraph 7(6) the expression “registered pharmacy” has the meaning given in section 74 of the Medicines Act 1968(18).”.

- (2) In paragraph 3 (premises and hours of business) of Part I of that Schedule there shall be inserted a new sub-paragraph as follows:—

“(4) No chemist shall provide pharmaceutical services at any pharmacy or other premises which are not included in the pharmaceutical list in respect of that chemist.”

- (3) In paragraph 7 (method of payment) of that Part there shall be inserted a new sub-paragraph as follows:—

“(6) No chemist shall be paid in respect of the supply of drugs or listed appliances ordered on a prescription form unless that supply takes place at a registered pharmacy included in the pharmaceutical list in respect of that chemist.”.

Amendments to Schedule 3A (provisions further to regulation 28) to the principal Regulations

21.—(1) Schedule 3A (provisions further to regulation 28) to the principal Regulations shall be amended in accordance with this regulation.

- (2) In Part II (pharmacy practices committee) of that Schedule—

- (a) for paragraph 5(1) (establishment and procedure) there shall be substituted the following:—

—

“(1) The Board shall, in accordance with regulation 7 of the Health Boards (Membership and Procedure) Regulations 1991(19) and the provisions of this Part of this Schedule establish a committee (to be known as “the pharmacy practices committee”).”;

- (b) for paragraph 7 (membership) there shall be substituted the following:—

“Membership

- 7.—(1) The pharmacy practices committee shall consist of seven members of whom—

- (a) one shall be the chairman appointed as such by the Board; the chairman shall be a member of the Board but shall not be an officer of the Board nor shall he be, nor previously have been, a doctor, dentist, ophthalmic optician or pharmacist or the employee of a person who is a doctor, dentist, ophthalmic optician or pharmacist;

- (b) three shall be pharmacists of whom—

- (i) one shall be a pharmacist whose name is not included in any pharmaceutical list and who is not the employee of a person whose name is so listed; and he shall be appointed by the Board from persons nominated by the Royal Pharmaceutical Society of Great Britain; and

(18) 1968 c. 67.

(19) S.I. 1991/571.

- (ii) two shall be pharmacists each of whom is included in a pharmaceutical list or is an employee of a person whose name is so listed; and each shall be appointed by the Board from persons nominated by the area pharmaceutical committee; and
 - (c) three shall be persons appointed by the Board otherwise than from the members of the Board but none shall be nor previously have been a doctor, dentist, ophthalmic optician or a pharmacist, or an employee of a person who is a doctor, dentist, ophthalmic optician or a pharmacist.
- (2) Persons to act as deputies for, and corresponding in number to, each of those categories of person appointed pursuant to sub-paragraph (1) shall, provided they satisfy the criteria specified in the relevant sub-paragraph, be appointed by the Board, and in the absence of any of those persons a deputy from the appropriate category shall be entitled to act in his place.
- (3) If a nomination sought for the purposes of sub-paragraph (1)(b)(i) or (ii) above is not made before such date as the Board may determine, the Board may appoint as a member a person who satisfies the criteria specified in the relevant sub-paragraph.”
- (3) In Part III (procedure at meetings of the pharmacy practice committee) of that Schedule—
- (a) in paragraphs 9 (declaration of interest) and 10 (quorum) for the expression “vice chairman if” wherever it occurs there shall be substituted the expression “, in his absence, the person”;
 - (b) in paragraph 10 (quorum) for the words “7(1)(a) or (c)” there shall be substituted the words “7(1)(c)”;
 - (c) in paragraph 11 (voting)—
 - (i) in sub-paragraph (2) for the words from “and the vice chairman” to the end there shall be substituted the words “is entitled to vote”;
 - (ii) in sub-paragraph (4) for the words “vice-chairman if” there shall be inserted the words “, in his absence, the person”.
- (4) In part IV (national appeal panel) of that Schedule—
- (a) in paragraphs 14(2), 15(1) and 16(3)(c) for the expression “Pharmaceutical Society of Great Britain” where it occurs in each of those paragraphs, there shall be substituted the expression “Royal Pharmaceutical Society of Great Britain”;
 - (b) in paragraph 16 (membership) for sub-paragraph (3)(d) there shall be substituted the following:—
 - “(d) three shall be persons nominated by a Board none of whom is, or has been previously, a doctor, dentist, ophthalmic optician or a pharmacist nor a person employed by a doctor, dentist, ophthalmic optician or pharmacist.”

Transitional provisions

22.—(1) Where, prior to 1st April 1991, the Medical Practices Committee has refused an application under section 20 of the Act or has granted an application subject to conditions excluding the provision of general medical services by the applicant in a part or parts of the area of a Health Board, regulations 11(1) and 12 of the principal Regulations shall have effect, in relation to the notification of that Committee’s decision and to any appeal from it, as if these Regulations had not come into force.

(2) Where, prior to 1st April 1991, the Medical Practices Committee, or a Health Board authorised in that behalf by that Committee, has resolved that—

- (a) a doctor is required to fill a vacant practice; or

(b) an additional doctor is required otherwise than in succession to another doctor, the principal Regulations shall apply to any decision made after 1st April 1991 in relation to any application made under regulation 8(2) of those Regulations in consequence of any such resolution as if these Regulations had not come into force.

(3) Subject to paragraphs (4) and (6), where (i) on 31st March 1991 a doctor's name is included in a medical list or (ii) on or before that date an application by a doctor for his name to be included in a medical list has been granted but his name has not yet been included in the medical list in respect of which the application was made, that doctor shall thereafter be treated as if the Medical Practices Committee had on 1st April 1991 imposed in relation to him—

- (a) where the doctor is available for not less than 26 hours in any week, the condition mentioned in sub-paragraph (a) of regulation 12A of the principal Regulations;
- (b) where the doctor is available for less than 26 hours but not less than 19 hours in any week, the condition mentioned in sub-paragraph (b) of that regulation;
- (c) where the doctor is available for less than 19 hours but not less than 13 hours in any week, the condition mentioned in sub-paragraph (c) of that regulation;
- (d) where the doctor is available jointly with another doctor for not less than 26 hours in any week, the condition mentioned in sub-paragraph (d) of that regulation;
- (e) where the doctor is a restricted list principal or a restricted services principal, the conditions mentioned in sub-paragraph (e) of that regulation, but as if for the reference in that paragraph to the hours specified by the doctor in his application there were substituted a reference to the hours during which the doctor was, in any week, normally available to his patients immediately before 1st April 1991;
- (f) where the doctor was, on 31st March 1991, available in accordance with the paragraph formerly numbered 13E, the conditions mentioned in sub-paragraph (a) of that regulation.

(4) A doctor to whom sub-paragraph (e) of paragraph (3) applies shall, on any day falling before 1st July 1991—

- (a) be relieved of the obligation to comply fully with the condition mentioned in regulation 12A(a) of the principal Regulations, notwithstanding that he falls to be treated, by virtue of paragraph (3), as a full-time doctor; and
- (b) instead provide general medical services in any week for no less than the number of hours which had been approved in his case by the Health Board in accordance with the paragraph formerly numbered 13E.

(5) Where, prior to 1st April 1991, an application has been made to a Health Board for approval pursuant to sub-paragraph (1) of the paragraph formerly numbered 13A and—

- (a) that application has not been determined by that Board before that date; or
- (b) the application has been so determined but—
 - (i) an appeal against that determination has been brought but not determined before that date; or
 - (ii) the time for bringing such an appeal has not expired before that date,the application or, as the case may be, any appeal against such a determination shall be determined after 1st April 1991 by that Board or, as the case may be, the Secretary of State under the principal Regulations as in force immediately before these Regulations came into force.

(6) Where the application or appeal of any doctor has been determined in accordance with paragraph (5), paragraph (3) shall apply in relation to that doctor as if—

- (a) for the reference in that paragraph to “that date”; and

(b) for the words “immediately prior to 1st April 1991” in paragraph 7(a), there were substituted a reference to the date of the determination of the application or, as the case may be, of the appeal in accordance with paragraph (5).

(7) In this regulation—

- (a) “available” means, in relation to a doctor, available to provide general medical services to his patients at such times as have been approved in his case by the Health Board pursuant to the paragraph formerly numbered 13A prior to 1st April 1991;
- (b) “the paragraph formerly numbered 13A” and “the paragraph formerly numbered 13E” mean, respectively the paragraphs bearing that number in Part I of Schedule 1 to the principal Regulations as in force immediately prior to their amendment by these Regulations.

St. Andrew’s House,
Edinburgh
8th March 1991

Michael B. Forsyth
Minister of State, Scottish Office

SCHEDULE 1

Regulation 13

AMENDMENTS TO PART I OF SCHEDULE 1 TO THE PRINCIPAL REGULATIONS (TERMS OF SERVICE FOR DOCTORS)

Amendments to terms of service for doctors

1. Part I of Schedule 1 to the principal Regulations (terms of service for doctors) shall be amended in accordance with the provisions of this Schedule.

Amendment of paragraph 6 (acceptance of patients)

2. In paragraph 6 (acceptance of patients) there shall be added the following sub-paragraph:—

“(3) Nothing in paragraphs 6B(b) or 6D shall prevent any doctor personally carrying out in the course of providing general medical services (otherwise than by way of minor surgery services) for the benefit of a patient, a procedure described in Part IB of this Schedule.”.

Amendments to paragraph 10B (patients not seen within 3 years)

3. In paragraph 10B (patients not seen within 3 years)—

- (a) in sub-paragraph (1)(b)(i) after the word “doctor” there shall be added the words “in the course of his provision of general medical services”;
- (b) in sub-paragraph (5)(b)(i) the words “height, weight and” shall be omitted;
- (c) in sub-paragraph (5)(b), after head (ii) there shall be inserted the following head:—
 - “(iii) the measurements necessary to detect any changes in his body mass index;”;and
- (d) after sub-paragraph (5) there shall be added the following sub-paragraph:—

“(6) In this paragraph “body mass” means the figure produced by dividing the number of kilograms in the patient’s weight by the square of the number of metres in his height.”.

Amendments to Paragraph 13A (doctors' availability to patients)

4.—(1) Paragraph 13A (doctors' availability to patients) shall be amended in accordance with the provisions of this paragraph.

(2) For sub-paragraphs (2), (3) and (4) there shall be substituted the following sub-paragraphs:—

“(2) Subject to sub-paragraphs (2A), (2B), (3) and (4), a Board shall not approve any application submitted by a doctor in relation to the times at which he is to be available unless it is satisfied that—

- (a) the times proposed are such that the doctor will be available normally—
 - (i) in 42 weeks in any period of 12 months;
 - (ii) for no less than the number of hours in any such week which are specified in the condition imposed in relation to him under regulation 12A; and
 - (iii) on 5 days in any such week; and
- (b) the hours for which the doctor will be available normally in any week are to be allocated between the days on which he will be available normally in that week in such a manner as is likely to be convenient to his patients;
- (c) where the doctor is a three-quarter-time doctor or a half-time doctor, he is practising in partnership with—

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- (i) another doctor whose name is included in the medical list and who is himself a full-time doctor; or
- (ii) two job-sharing doctors whose names are included in the medical list and whose hours are aggregated for the purpose of head (d) of this sub-paragraph;
- (d) where the doctor is a job-sharing doctor—
 - (i) he is practising in partnership with another doctor whose name is included in the medical list, and
 - (ii) the hours for which both doctors will be available normally will in aggregate be not less than 26 hours in any week referred to in head (a)(i) of this sub-paragraph.
- (2A) On any application made pursuant to sub-paragraph (1) by a three-quarter-time doctor or a half-time doctor—
 - (a) head (a)(iii) of sub-paragraph (2) shall not apply; and
 - (b) any approval of the application shall be subject to the condition that the approval shall lapse after the expiry of a period of 6 months from the date on which that doctor ceases to satisfy sub-paragraph (2)(c).
- (2B) On any application made pursuant to sub-paragraph (1) by a job-sharing doctor—
 - (a) head (a) (iii) of sub-paragraph (2) shall apply so as to require either the job-sharing doctor or the other doctor referred to in sub-paragraph (2)(d) to be available normally on each of the days mentioned in that head; and
 - (b) any approval of the application shall be subject to the condition that the approval shall lapse after the expiry of a period of 6 months from the date on which the doctor ceases to satisfy sub-paragraph (2)(d).
- (3) On any application made pursuant to sub-paragraph (1) by a doctor who is a restricted list principal or a restricted services principal, sub-paragraph (2)(a)(i) and (iii), (c) and (d) shall not apply.
- (4) The Health Board may, in relation to the application of any full-time doctor who seeks to be available normally on only 4 days in any week referred to in sub-paragraph (2) (a)(i), excuse the doctor from the requirement of head (a)(iii) of that sub-paragraph and approve the application to the extent allowed by paragraph 13B.”.
- (3) In sub-paragraph (5) for the words “paragraphs 13B to 13E” there shall be substituted the words “paragraph 13B”.
- (4) In sub-paragraph (7)(b), sub-heads (iii), (iv) and (v) shall be omitted.
- (5) Sub-paragraph (7)(c) shall be omitted.

Omission of paragraphs 13C, 13D and 13E and insertion of new paragraph 13C (variation of doctors' availability to patients)

5. Paragraphs 13C (doctors available for less than 26 hours per week), 13D (doctors jointly available for 26 hours a week) and 13E (doctors previously available for less than 20 hours a week) shall be omitted and there shall be inserted the following new paragraph:—

“Variation of doctors' availability to patients

13C.—(1) A doctor may apply to a Board for a variation of the times and places at which, in accordance with a determination under paragraph 13A (“the earlier determination”), he is required to be available normally, and sub-paragraphs (2) to (13) of that paragraph shall

apply for the making and determination (“the subsequent determination”) of an application under this paragraph as if it were the first application by that doctor for the purposes of this paragraph.

(2) Where an application made under sub-paragraph (1) is approved or is approved subject to conditions, for the purposes of sub-paragraphs (1) and (14) of paragraph 13A the earlier determination shall cease to have effect and the subsequent determination shall have effect instead—

- (a) where the subsequent determination is made by a Board and no appeal is made from that determination, from the day falling 8 weeks after the date on which the doctor receives notification of that Board’s determination;
- (b) where the subsequent determination is made on appeal, from the day falling 8 weeks after the date on which the doctor receives notification of the Secretary of State’s determination.

(3) Where it appears to a Board that a doctor’s hours of availability are allocated for the purposes of sub-paragraph (2)(b) of paragraph 13A in a manner which may no longer be convenient to his patients, it may, subject to sub-paragraph (10), review the terms of—

- (a) any approval granted under sub-paragraph (9)(a) or (b) of paragraph 13A; or
- (b) any direction given under sub-paragraph (9)(a),

by the Board or the Secretary of State as to such allocation.

(4) On any review under sub-paragraph (3) the Board shall—

- (a) give notice to the doctor of its proposed re-allocation of his hours of availability; and
- (b) allow him 28 days within which to make representations to that Board about its proposals.

(5) After considering any representations made in accordance with sub-paragraph (4) (b), the Board shall either—

- (a) direct the doctor to revise the allocation of his hours of availability in the manner specified in the direction; or
- (b) confirm that the existing allocation of the doctor’s hours of availability continues to be convenient to his patients.

(6) A Board shall notify the doctor in writing of its determination under sub-paragraph (5), and where it gives direction under head (a) of that sub-paragraph, it shall include with the notice a statement in writing of the reasons for its determination and of the doctor’s right of appeal under sub-paragraph (7).

(7) A doctor may, within 28 days of receiving notification under sub-paragraph (6), appeal in writing to the Secretary of State against a direction under sub-paragraph (5)(a).

(8) Without prejudice to the generality of sub-paragraph (1), sub-paragraphs (12) and (13) of paragraph 13A shall apply to any appeal made under sub-paragraph (7).

(9) A doctor in respect of whom a direction is given under sub-paragraph (5) shall revise the allocation of his hours of availability so as to give effect to the direction—

- (a) where the direction is given by a Board and no appeal is made, not later than 8 weeks after the date on which he receives notification under sub-paragraph (6);
- (b) where the direction is given or confirmed on appeal, not later than 8 weeks after the date on which he receives notification of the Secretary of State’s decision,

and the allocation of hours as so revised shall be regarded as having been approved for the purposes of sub-paragraphs (1) and (14) of paragraph 13A.

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(10) No Board shall undertake a review under sub-paragraph (3) on more than one occasion in any period of 2 years.”.

SCHEDULE 2

Regulation 18

NEW PART IIA TO BE INSERTED IN SCHEDULE 1 TO THE PRINCIPAL REGULATIONS

“PART IIA

Regulation 12B(2)

INFORMATION TO BE INCLUDED IN AN APPLICATION FOR THE VARIATION OF A CONDITION IMPOSED IN CONNECTION WITH INCLUSION IN A MEDICAL LIST

- 1. Full name.
- 2. Private address.
- 3. Where the applicant intends to alter the extent of the general medical services provided by him in the area of the Health Board, information about the services to be provided, and in particular whether they—

<ul style="list-style-type: none"> (a) will include } will exclude } will be limited to } (b) will include } will exclude } will be limited to } (i) excluding } including } (ii) restricted } not restricted } (c) will include } will exclude } will be limited to } (d) will include } will exclude } will be limited to } 	<ul style="list-style-type: none"> maternity medical services; contraceptive services— the fitting of intra-uterine devices, to patients to whom the applicant or any partner of his is providing other personal medical services; child health surveillance services; minor surgery services.
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- 4. Name(s) and Address(es) of partner(s) with whom the applicant intends to practise, indicating whether or not their names are on the Health Board’s medical list.
- 5. Details of any proposed changes to—

- (a) the geographical boundary of the applicant's practice area, by reference to a sketch, diagram or plan of a scale approved by the Health Board;
 - (b) his practice premises;
 - (c) his place of residence;
 - (d) his telephone number(s) at which messages may be received.
6. Where the applicant is seeking a variation of a condition relating to his hours or the sharing of work—
- (a) whether he wishes to practise as—
 - (i) a full-time doctor;
 - (ii) a three-quarter-time doctor;
 - (iii) a half-time doctor;
 - (iv) a job-sharing doctor; or
 - (v) a restricted doctor;
 - (b) details of the days on which and hours at which he proposes to attend at his practice premises.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 1st April 1991, amend the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1974 (“the principal Regulations”) which regulate the terms on which doctors and chemists provide general medical services and pharmaceutical services under the National Health Service (Scotland) Act 1978.

Regulation 3 amends regulation 4 of the principal regulations to require health boards to divide their medical lists into parts to reflect the conditions which a health board must specify in relation to the hours to be worked by doctors by reference to the categories of doctor which are defined by the amendment introduced by regulation 2 to regulation 2 of the principal regulations.

Regulation 3 also includes an amendment the effect of which is to ensure that every general practitioner whose name is included in the medical list as from 1 April 1991 will have his name included in the appropriate part according to his hours of work.

Regulation 4 amends regulation 4A of the principal regulations so as to ensure that every doctor who carries out minor surgery procedures has appropriate experience.

Regulation 5 makes provision for the inclusion in an amendment of the medical list of any variation in the hours of availability of a general medical practitioner.

Regulation 6, 7 and 8 make amendments to the principal regulations consequent upon the implementation of section 39 of the National Health Service and Community Care Act 1990 with regard to the procedures for selection by Health Boards and by the Medical Practices Committee of General Medical Practitioners for inclusion in the medical list. In future every vacancy for a general practitioner will be determined by the medical practices committee and may be published. Applications for vacancies will require to include information as to the hours of availability which

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the applicant proposes to offer and will have to be accompanied by an application for inclusion in the medical list. Under the provisions of section 23(2A)(c) of the 1978 Act, as introduced by section 39(2) of the 1990 Act, appeals from unsuccessful applicants are to be made to the Secretary of State on a point of law only.

Regulation 9 inserts provisions whereby the medical practices committee will in selecting an applicant for inclusion in a medical list in relation to a vacancy for a general medical practitioner apply to that applicant the conditions relating to hours of availability. The same regulation introduces provisions for general practitioners to apply for variation of those conditions including conditions treated as having been imposed as at 1st April 1991 and for any appeal against refusal to vary a condition under that provision.

Regulation 10 amends regulation 13 of the principal regulations with regard to right of appeal of general practitioners against a decision not to select an applicant to fill a vacancy.

Regulation 11 contains amendments to the provisions with regard to the assignment of persons to doctors particularly in relation to the review of decisions of health boards in this regard.

Regulation 12 makes a minor amendment in relation to applications from pharmacists for inclusion in the pharmaceutical lists kept by health boards and regulations 13, 14, 15, and 16 introduce amendments respectively to the terms of service for doctors, the specified minor surgery procedures, information to be included in practice leaflets and the information to be included in applications for approval of hours of availability of general medical practitioners.

Regulation 17 provides for an amendment to the information to be given in an application for inclusion in the medical list chiefly with regard to the proposed hours of availability and regulation 18 inserts a new part IIA of Schedule I to the principal Regulations with regard to an application for variation of a condition as to hours of availability.

Regulation 19 amends Schedule 2A to the principal Regulations which lists drugs and other substances which cannot be supplied by doctors, or prescribed for supply under pharmaceutical services. Regulation 19 deletes two substances from, and adds other substances to, that Schedule.

Regulation 20 makes provision with regard to the terms of service for chemists to make it clear that the chemist is not to accept for dispensing nor to dispense from a registered pharmacy which is not included in the pharmaceutical list any prescription form under the National Health Service.

Regulation 21 makes amendments to Schedule 3A to the principal Regulations which deals with the procedures for the determination of applications for admission to the pharmaceutical list of health boards and for appeals from such applications considered by the Pharmacy Practices Committee established under that Schedule to the National Appeal Panel. The amendments are consequent upon amendments in relation to the composition of health boards introduced by the National Health Service and Community Care Act 1990.

Regulation 22 contains transitional provisions which preserve the procedures before they come into force of these regulations particularly with regard to the selection of general medical practitioners and the rights of appeal from that procedure. In particular, however, paragraph (3) of that regulation provides that any medical practitioner whose name was included in a medical list kept by health boards as at 31st March 1991 will be treated thereafter as having had imposed upon him as at 1st April 1991 conditions with regard to the hours at which he was available for patients.

Schedule 1 to the Regulations contains amendments to the terms of service for doctors with particular reference to the hours of availability and to the right of application for variation of the availability of general practitioners to their patients within their powers of availability as approved by the Medical Practices Committee.