
STATUTORY INSTRUMENTS

1998 No. 1600 (S.85)

NATIONAL HEALTH SERVICE, SCOTLAND

**The National Health Service (General Medical Services)
(Scotland) Amendment (No.3) Regulations 1998**

<i>Made</i>	- - - -	<i>30th June 1998</i>
<i>Laid before Parliament</i>		<i>3rd July 1998</i>
<i>Coming into force</i>	- -	<i>27th July 1998</i>

The Secretary of State, in exercise of the powers conferred on him by sections 19, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (General Medical Services) (Scotland) Amendment (No.3) Regulations 1998 and shall come into force on 27th July 1998.

(2) In these Regulations, “the 1995 Regulations” means the National Health Service (General Medical Services) (Scotland) Regulations 1995((2)

GMS local development schemes

2.—(1) In regulation 35 of the 1995 Regulations (payments), at the beginning of paragraph (1), insert “Subject to regulation 35B,”.

(2) After regulation 35A((3) insert—

(1) 1978 c. 29; section 19 was amended 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), by the National Health Service and Community Care Act 1990 (c. 19), section 37 and by the Medical (Professional Performance) Act 1995 (c. 51), Schedule, paragraph 29(a) and is to be read with the Health and Medicines Act 1988 (c. 49), section 17; section 105(7) was amended by the 1980 Act, Schedule 6, paragraph 5 and Schedule 7 and by the 1983 Act, Schedule 9, paragraph 24; see section 108(1) for the definitions of “prescribed” and “regulations”.

(2) S.I. 1995/416, amended by S.I. 1995/3199, 1996/842 and 1504, 1997/943 and 1473 and 1998/4 and 660.

(3) Regulation 35A was inserted by S.I. 1995/3199.

“GMS local development schemes

35B.—(1) A Board may as respects any financial year establish one or more GMS local development schemes if—

- (a) the Secretary of State has for the purposes of any such scheme as it may establish designated the Board as the determining authority for the remuneration of doctors whose names are included in its medical list; and
- (b) such remuneration is of a description designated by the Secretary of State in relation to that financial year for the purposes of section 85(1AA)(b) of the National Health Service (Scotland) Act 1978⁽⁴⁾

(2) Schedule 8A defines a GMS local development scheme, and makes further provision in connection with such schemes.

(3) In respect of each financial year the Board shall make payments in accordance with its determination under the said section 85(1AA)(b) to those doctors whose names are included in its medical list who qualify by virtue of the determination for such payments.

(4) As soon as reasonably possible after the end of each financial year, the Board shall publish the following information about the GMS local development schemes established in its area as respects that financial year:—

- (a) the aggregate amount of all the payments under paragraph (3) made or due to doctors in respect of that financial year for all the Board’s GMS local development schemes taken together;
- (b) the number of doctors to whom such payments have been made; and
- (c) a description of the aspects of general medical services which were the subject of the Board’s GMS local development schemes in that financial year.”.

(3) In regulation 36 of the 1995 Regulations (claims and overpayments), in paragraph (1), at the end insert “or (as the case may be) with the terms of a GMS local development scheme”.

(4) After Schedule 8 to the 1995 Regulations, insert Schedule 8A as set out in the Schedule to these Regulations.

St Andrew’s House,
Edinburgh
30th June 1998

Sam Galbraith
Minister for Health, Scottish Office

(4) Subsection (1AA) of section 85 was inserted by the National Health Service (Primary Care) Act 1997 (c. 46), section 37(1).

SCHEDULE

Regulation 2(4)

NEW SCHEDULE 8A TO BE INSERTED IN 1995 REGULATIONS

“SCHEDULE 8A

Regulation 35B(2)

GMS LOCAL DEVELOPMENT SCHEMES

1.—(1) A GMS local development scheme is one whereby payments are made to doctors in respect of the provision by them of general medical services to standards or in ways specified in the scheme.

(2) A GMS local development scheme—

- (a) may not provide for payments in respect of any service which does not form part of general medical services; but
- (b) subject to paragraph 4, may include provision for the payments referred to in sub-paragraph (1) to take account of any additional need which the doctor may have for computers, premises and practice staff in consequence of his providing general medical services to the standards or in the ways specified in the scheme.

(3) A Board may have more than one GMS local development scheme, and may amend or revoke any of them.

(4) A GMS local development scheme may apply throughout the Board’s area, or may be limited in any way the Board thinks appropriate.

(5) A GMS local development scheme shall be published by the Board in a way which is suitable for bringing it to the attention of the doctors whose names are included in its medical list.

2. A GMS local development scheme must specify what a doctor must do in order to become eligible for the payments in question.

3.—(1) Before establishing a GMS local development scheme the Board must satisfy itself—

- (a) that the provision of general medical services in its area will not be in any way reduced in quality or availability as a result of the proposed GMS local development scheme; and
- (b) that the scheme would help to make improvements in the provision of general medical services in its area (or in the part of its area to which the scheme relates).

(2) Eligibility on the part of a doctor for payments under a GMS local development scheme may be subject to conditions, including conditions designed to secure as respects the doctor’s provision of general medical services that the standards referred to in sub-paragraph (1)(a) are maintained, and the improvements referred to in sub-paragraph (1)(b) are made.

4.—(1) Subject to sub-paragraph (2), a GMS local development scheme may not provide for payments in respect of anything for which specific payment is provided in the Statement referred to in regulation 35(1).

(2) In any case where—

- (a) the Statement provides for a payment to be determined by the Board, whether or not subject to a ceiling; and
- (b) but for that determination or, as the case may be, the ceiling, a higher payment could have been made under the Statement,

a GMS local development scheme may provide for additional payments in respect of the same thing.

(3) In sub-paragraphs (1) and (2), references to the Statement include references to any amending Statement.

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

(4) If, after a Board has established a GMS local development scheme, an amending Statement introduces specific payments which mean the GMS local development scheme then contravenes sub-paragraph (1), the GMS local development scheme shall (to that extent) come to an end on the date the amending Statement (or the relevant part of it) comes into effect.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (General Medical Services) (Scotland) Regulations 1995 (“the 1995 Regulations”) which regulate the terms on which general medical services are provided under the National Health Service (Scotland) Act 1978 (“the Act”).

Regulation 2 inserts a new regulation 35B into the 1995 Regulations. This regulation enables a Health Board to establish one or more general medical services local development schemes (“LDSs”), provided it has been designated as a determining authority by the Secretary of State and the remuneration is of a description designated by the Secretary of State for that purpose under section 85(1AA)(b) of the Act.

The new Regulation 35B also requires a Health Board to make payments in accordance with the determination for each financial year to doctors on its medical list who qualify; and to publish certain information about the LDSs established in its area.

Regulation 2(3) makes a consequential amendment to regulation 36 of the 1995 Regulations.

Regulation 2(4) and the Schedule insert a new Schedule 8A to the 1995 Regulations, which makes further provision about LDSs. In particular, Schedule 8A defines an LDS and provides that the Health Board must be satisfied or specified criteria before it can establish an LDS. It provides that LDSs cannot be used to duplicate any payment for which provision is made in the Statement referred to in regulation 35(1) of the 1995 Regulations, but may be used to make payments in addition to payments made under the Statement.