
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (Service Committees and Tribunal) Regulations 1992 to implement the provisions contained in Schedule 1 to the National Health Service (Primary Care) Act 1997 (“the 1997 Act”). Schedule 1 of the 1997 Act applies where the Secretary of State determines that a medical practitioner should be given preferential treatment when making an application for his name to be included in an Health Authority’s medical list after ceasing to perform personal medical services. The 1997 Act provides that a Health Authority or any other person may make representations to the National Health Service Tribunal (“the Tribunal”) against preferential treatment.

These Regulations provide that the procedure relating to such representations against such preferential treatment will be similar to the provisions made for other representations to the Tribunal, except that any representations against preferential treatment must be made within a period of 14 days from the date an authority receives an application for inclusion in a medical list from a medical practitioner, in relation to whom the Secretary of State has determined should be given preferential treatment.

The 1997 Act provides, where representations against preferential treatment have been made, that the Tribunal may direct that the person’s name may not be included in the medical list kept by the Health Authority. These Regulations provide for a procedure whereby someone who is subject to such a direction can apply to the Tribunal for such a direction to be removed.

These Regulations also make consequential amendments to the 1992 Regulations to take account of a pilot scheme doctor acting as a deputy for a general practitioner, and vice versa.

These Regulations impose no cost on business.