

## SCHEDULE 1

Article 119

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *The Social Security (Medical Evidence) Regulations 1976*

1.—(1) The Social Security (Medical Evidence) Regulations 1976(1) shall be amended as provided in this paragraph.

(2) In Part 1 of Schedule 1 (rules), for paragraph 3 substitute—

“3 Where the claimant—

- (a) is on the list of a person providing primary medical services under the National Health Service Act 1977 or the National Health Service (Scotland) Act 1978 and is being attended by a doctor performing such services; or
- (b) is on the list of a doctor, or list held jointly by two or more doctors performing personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997 and is being attended by such a doctor,

the doctor’s statement shall be on the form provided by the Secretary of State for the purpose and shall be signed by the attending doctor.”

(3) In Part 2 of Schedule 2, (form of certificate) for “Health Authority or Primary Care Trust in whose medical list you are included” substitute “Primary Care Trust or Local Health Board in whose medical performers list you are included (or, in Scotland, by the Health Board in whose primary medical services performers list you are included)”.

#### *Medicines (Pharmacy and General Sale – Exemption) Order 1980*

2.—(1) The Medicines (Pharmacy and General Sale – Exemption) Order 1980(2) shall be amended as provided in this paragraph.

(2) In article 4B (exemption for health professionals who supply medicinal products under a Patient Group Direction in order to assist doctors or dentists in providing national health services)(3)—

(a) in paragraph (2)(d)(ii)—

(i) after “health authority” insert “or Primary Care Trust”,

(ii) before sub-paragraph (a), insert—

“(aa) in the case of the provision of primary medical services, with which a contract or agreement for the provision of those services has been made or which provides the services itself;”,

(iii) in sub-paragraph (a), omit “general medical services”, and

(iv) in sub-paragraph (b), for “which is a party to the pilot scheme under which those services are provided” substitute “provided under a pilot scheme, which is a party to that pilot scheme”; and

(b) in paragraph (3), for sub-paragraph (b)(i) substitute—

“(i) in relation to England and Wales, the provision of primary medical services under Part I of the National Health Service Act 1977;”.

(1) S.I. 1976/615; relevant amending instruments are S.I.1991/2284, 2001/2931 and 2002/2469.

(2) S.I. 1980/1924.

(3) Article 4B was inserted by S.I. 2000/1919.

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*The Statutory Sick Pay (Medical Evidence) Regulations 1985*

3. In the Statutory Sick Pay (Medical Evidence) Regulations 1985(4), in Part 1 of Schedule 1 (rules)(5), for paragraph 3 substitute—

“3 Where the patient—

- (a) is on the list of a person providing primary medical services under the National Health Service Act 1977 or the National Health Service (Scotland) Act 1978 and is being attended by a doctor performing such services; or
- (b) is on the list of a doctor, or list held jointly by two or more doctors performing personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997 and is being attended by such a doctor,

the doctor’s statement shall be on the form provided by the Secretary of State for the purpose and shall be signed by the attending doctor.”.

*The National Health Service (General Ophthalmic Services) Regulations 1986*

4.—(1) The National Health Service (General Ophthalmic Services) Regulations 1986(6) shall be amended as provided in this paragraph.

(2) In regulation 2(1) (interpretation), for the definition of “lists”, substitute—

““lists” means—

- (a) a list referred to in section 49N(1)(a) to (c) of the Act;
- (b) a list of persons undertaking to provide general medical services prepared in accordance with regulations under section 29 of that Act as the list existed on or before 31st March 2004;
- (c) a list of persons approved by a Primary Care Trust for the purpose of assisting in the provision of general medical services prepared in accordance with regulations under section 43D(1) of that Act as the list existed on or before 31st March 2004; or
- (d) a services list referred to in section 8ZA(1)(a) of the National Health Service (Primary Care) Act 1997 as the list existed on or before 31st March 2004;”.

(3) In Schedule 1, for paragraph 8C (complaints against ophthalmic medical practitioners) substitute—

“(1) Where a contractor who, being an ophthalmic medical practitioner, also performs primary medical services under a GMS contract for any person to whom he provides general ophthalmic services, the complaints procedure established and operated in accordance with the terms of that GMS contract shall apply in relation to any matter reasonably connected with his provision of general ophthalmic services as it applies as respects the provision of services under the GMS contract.

(2) Accordingly, any requirement as to co-operation with investigations of complaints by other bodies imposed on a GMS contractor under the term of its contract which gives effect to paragraph 97 of Schedule 6 to the National Health Service (General Medical Services Contracts) Regulations 2004(7) also applies in relation to complaints about such matters.

(3) Where a contractor who, being an ophthalmic medical practitioner, also performs primary medical services under a PMS agreement for any person to whom he provides general ophthalmic services, the complaints procedure established and operated under that agreement shall apply in

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(4) S.I. 1985/1604.

(5) Schedule 1 was amended by S.I. 1992/247 and 1998/646.

(6) S.I. 1986/975; relevant amending instruments are S.I. 2001/3739 and 2002/2469.

(7) S.I. 2004/291.

relation to any matter reasonably connected with his provision of general ophthalmic services as it applies as respects his provision of services under the agreement.

(4) Accordingly, any requirement as to co-operation with investigations of complaints by other bodies imposed on a party to a PMS agreement under the term of its agreement which gives effect to paragraph 91 of Schedule 5 to the National Health Service (Personal Medical Services Agreements) Regulations 2004<sup>(8)</sup> also applies in relation to complaints about such matters.

(5) In this paragraph—

(a) “GMS contract” means a general medical services contract under section 28Q of the Act and “general medical services contractor” shall be construed accordingly; and

(b) “PMS agreement” means an agreement made under section 28C of the Act.

(6) For as long as there are in existence contracts entered into under article 13 of the General Medical Services Transitional and Consequential Provisions Order 2004<sup>(9)</sup> (“default contracts”) any reference in this paragraph to a GMS contract shall be read as including a reference to a contract entered into under that article and any reference to a term of a GMS contract shall be read as including a reference to the equivalent term of the default contract.

(7) For as long as there are in existence transitional agreements as defined in article 1(4) of the General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004, any reference in this paragraph to a personal medical services agreement shall be read as including a reference to a transitional agreement and any reference to a term of a personal medical services agreement shall be read as including a reference to any equivalent term in the transitional agreement.”.

(4) In paragraph 10 of Schedule 1A (information and undertakings to be given), for “whose dental, medical, pharmaceutical, supplementary or services list”, substitute “any of whose lists”.

#### *The Statutory Maternity Pay (Medical Evidence) Regulations 1987*

5. In the Statutory Maternity Pay (Medical Evidence) Regulations 1987<sup>(10)</sup>, in Part 2 of the Schedule (form of certificate) for “Health Authority or Primary Care Trust in whose medical list you are included” substitute “Primary Care Trust or Local Health Board in whose medical performers list you are included (or, in Scotland, by the Health Board in whose primary medical services performers list you are included)”.

#### *Prescription Pricing Authority Constitution Order 1990*

6. In the Prescription Pricing Authority Constitution Order 1990<sup>(11)</sup>, in article 5 (constitution of the pricing authority)<sup>(12)</sup> for “providing general medical services or personal medical services” substitute “performing primary medical services”.

#### *National Health Service Trusts (Membership and Procedure) Regulations 1990*

7.—(1) The National Health Service Trusts (Membership and Procedure) Regulations 1990<sup>(13)</sup> shall be amended as provided in this paragraph.

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<sup>(8)</sup> S.I. 2004/291.

<sup>(9)</sup> S.I. 2004/433.

<sup>(10)</sup> S.I. 1987/235. Relevant amending instruments are S.I. 2001/2931 and 2002/2469.

<sup>(11)</sup> S.I. 1990/1718.

<sup>(12)</sup> Article 5 was amended by S.I. 2002/881, 2469 and 2861.

<sup>(13)</sup> S.I. 1990/2024.

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(2) In regulation 1 (citation, commencement and interpretation)(**14**), omit the definition of “general medical practitioner”.

(3) In regulation 11 (disqualification for appointment of chairman and non-executive directors)(**15**), in paragraph (1)—

(a) for sub-paragraph (f), substitute—

“(f) he—

(i) is a general dental practitioner,

(ii) performs or provides primary medical services under Part I of the National Health Service Act 1977,

(iii) is a partner in a partnership that, or a legal and beneficial owner of shares in a company that, provides primary medical services under Part I of that Act, or

(iv) is an employee of any of those;”;

(b) in sub-paragraph (h), insert at the end “or a list prepared pursuant to section 28X(**16**) of that Act”.

*The Children (Private Arrangements for Fostering) Regulations 1991*

**8.**—(1) The Children (Private Arrangements for Fostering) Regulations 1991(**17**) shall be amended as provided in this paragraph.

(2) In regulation 2 (general welfare of children), in paragraph (2)(f), for the words “general medical practitioner” to the end, substitute “person who provides primary medical services pursuant to Part I of the National Health Service Act 1977;”.

*The National Health Service (General Dental Services) Regulations 1992*

**9.** In the National Health Service (General Dental Services) Regulations 1992(**18**), in regulation 2 (interpretation)(**19**)—

(a) in the definition of “Local Dental Committee” omit “, Local Medical Committee”; and

(b) after the definition of “locality” insert—

““Local Medical Committee” means a committee recognised by the Primary Care Trust under section 45A of the Act(**20**);”.

*The National Health Service (Service Committees and Tribunal) Regulations 1992*

**10.** Subject to articles 94 to 104, the National Health Service (Service Committees and Tribunal) Regulations 1992(**21**) shall be amended as follows—

(a) in regulation 2 (interpretation)(**22**)—

(14) Regulation 1 has been previously amended by S.I. [1996/1755](#), [1998/646](#), [2000/2434](#), [2001/3786](#), and [2002/2469](#) and [2861](#).

(15) Regulation 11 has been previously amended by S.I. [1997/2990](#), [1998/646](#) and [1975](#), [1999/945](#), [2000/603](#) and [2434](#), and [2001/2629](#), [3786](#) and [4031](#).

(16) Section 28X was inserted into the Act by the Health and Social Care Community Health and Standards Act 2003 (c. 43) (“the 2003 Act”), section 179.

(17) S.I. [1991/2050](#). Regulation 2 was previously amended by S.I. [1998/646](#).

(18) S.I. [1992/661](#).

(19) The definition of “Local Dental Committee” was amended by S.I. [2001/2421](#) and [2002/2469](#).

(20) Section 45A was inserted into the Act by paragraph 23 of Schedule 11 to the 2003 Act.

(21) S.I. [1992/664](#).

(22) Regulation 2 was previously amended by S.I. [1996/703](#), [1998/674](#) and [2002/2469](#).

- (i) in paragraph (1)—
  - (aa) omit the definitions of “doctors' panel”, “Local Medical Committee”, “Medical Advisory Committee”, “medical discipline committee”, “medical list”, “medical officer”, “Medical Regulations”, “personal medical services”, “pilot scheme” and “pilot scheme practitioner”;
  - (bb) in the definition of “deputy”, omit paragraph (a);
  - (cc) in the definition of “Part II service”, omit the words “general medical services”;
  - (dd) in the definition of “practitioner”, omit the words “doctor,”;
  - (ee) in the definition of “relevant local representative committee”, omit paragraph (a);
  - (ff) in the definition of “terms of service”, omit paragraph (a); and
  - (gg) in the definition of “treatment”, omit the words “in relation to general medical services, has the same meaning as in the Medical Regulations, and,”, and
- (ii) in paragraph (4), omit sub-paragraph (b);
- (b) in regulation 3 (establishment of committees)(**23**), omit paragraph (1)(a);
- (c) in regulation 4 (provisions relating to the start of disciplinary proceedings)(**24**)—
  - (i) omit paragraph (5)(b) and (c) and (6); and
  - (ii) in paragraph (5)(a), omit the word “medical,” and in the full out text in paragraph (5), omit the words “or other doctor referred to in sub-paragraph (b)”;
- (d) in regulation 5 (referral to investigating committee)(**25**), omit paragraph (3)(a);
- (e) in regulation 6 (time limits)(**26**), in paragraph (3)(a), omit the word “doctor,”;
- (f) in regulation 8 (determination of appropriate Health Authority or Primary Care Trust)(**27**)—
  - (i) omit paragraphs (3) and (4), and
  - (ii) in paragraph (8), for the words “paragraphs (3), or”, substitute “paragraph”;
- (g) in regulation 9 (appeal to the Secretary of State)(**28**)—
  - (i) in paragraph (1)(b), omit (3),
  - (ii) in paragraphs (3)(c)(ii) and (4)(b) for the words “paragraphs (3) or” in each place where it appears, substitute “paragraph”, and
  - (iii) in paragraph (5), omit “(3),” in the second place it appears;
- (h) in regulation 10 (procedure on appeal)(**29**)—
  - (i) in paragraph (5), omit “(3)”,
  - (ii) in paragraph (7), omit sub-paragraph (a), and
  - (iii) in paragraph (8), omit sub-paragraph (a);
- (i) in regulation 11 (recovery of amounts from practitioners following appeal)(**30**)—

(23) Regulation 3 was previously amended by S.I. 1996/703 and 2002/2469.

(24) Regulation 4 was previously amended by S.I. 1996/703, 1998/674 and 2002/2469.

(25) Regulation 5 was previously amended by S.I. 1996/703 and 2002/2469.

(26) Regulation 6 was previously amended by S.I. 1996/703 and 2002/2469.

(27) Regulation 8 was previously amended by S.I. 1996/703 and 2002/2469.

(28) Regulation 9 was previously amended by S.I. 1996/703 and 2002/2469.

(29) Regulation 10 was previously amended by S.I. 1996/703 and 2002/2469.

(30) Regulation 11 was previously amended by S.I. 1996/703 and 2002/2469.

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- (i) in paragraph (2) and (3)(a), omit the words “doctor or” in both places it appears,
- (ii) in paragraph (4), omit sub-paragraph (a), and
- (iii) in paragraph (7), for the words “paragraphs (3), or”, substitute “paragraph”;
- (j) omit regulations 15 (excessive prescribing by doctors), 16 (investigation of certification), 17 (investigation of record keeping) and 18 (decision as to treatment for which fees may be charged by doctors);
- (k) in regulation 20 (power of Local Representative Committees to consider complaints)(**31**), omit paragraph (1);
- (l) in regulation 32 (service of documents)(**32**), in paragraph (1)(a), omit the word “doctor,” and “medical,”;
- (m) in regulation 37 (referral of matters to professional bodies)(**33**), in paragraph (4)(a), omit the words “a doctor or”;
- (n) in Schedule 2 (constitution of discipline committees)(**34**)—
  - (i) omit paragraph 2(1)(b)(ii),
  - (ii) in paragraph 2(2), for “(ii)”, substitute “(iii)”,
  - (iii) in paragraph 2(4), omit sub-paragraph (a), and
  - (iv) in paragraph 8, omit sub-paragraph (c)(i);
- (o) in Schedule 4 (procedure for investigation by discipline committees)(**35**)—
  - (i) in paragraph 2, omit sub-paragraph (1)(a), and
  - (ii) in paragraph 9, omit sub-paragraph (b)(i) and (c);
- (p) in Schedule 5 (advisory committees)(**36**), omit paragraph 1 and Part 2; and
- (q) omit Schedule 7 (rules of procedure under regulation 18).

*The Dental Vocational Training Authority Regulations 1993*

**11.** In the Dental Vocational Training Authority Regulations 1993(**37**), in regulation 5 (application of regulations relating to membership and procedure)(**38**), in paragraph (1)(b)(iii), in the sub-paragraph (d) added by that paragraph, for “general” substitute “or performing primary”.

*The Medicines for Human Use (Marketing Authorisations etc) Regulations 1994*

**12.** In the Medicines for Human Use (Marketing Authorisations etc) Regulations 1994(**39**), in Schedule 1 (exemptions and exceptions from the provisions of regulation 3), in paragraph 3(1)(a) for “general medical or dental services” substitute “primary medical services or general dental services”.

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(31) Regulation 20 was previously amended by S.I. [1998/674](#).  
(32) Regulation 32 was previously amended by S.I. [1996/703](#) and [2003/1937](#).  
(33) Regulation 37 was previously amended by S.I. [1996/703](#) and [2002/2469](#).  
(34) Schedule 2 was previously amended by S.I. [1996/703](#) and [2002/2469](#).  
(35) Schedule 4 was previously amended by S.I. [1996/703](#) and [2002/2469](#).  
(36) Schedule 5 was previously amended by S.I. [1996/703](#).  
(37) S.I. [1993/2210](#).  
(38) Regulation 5 was amended by S.I. [1997/2991](#) and [2000/696](#).  
(39) S.I. [1994/3144](#).

*The National Health Service (Injury Benefits) Regulations 1995*

**13.**—(1) The National Health Service (Injury Benefits) Regulations 1995<sup>(40)</sup> shall be amended in as provided in this paragraph.

(2) In regulation 2 (interpretation)<sup>(41)</sup>—

(a) for the definition of “assistant practitioner” substitute—

““assistant practitioner” means—

- (a) a person on the medical performers list who is employed (other than by a Primary Care Trust or a Local Health Board) to perform primary medical services under a GMS contract, a default contract or a PMS agreement; or
- (b) an employee of a dental practitioner on the list of a Strategic Health Authority, Primary Care Trust or Local Health Board, being himself a dental practitioner who, in such employment, is engaged in assisting his employer in the actual discharge of his duties as such practitioner and for whose employment the consent of the Strategic Health Authority, Primary Care Trust or Local Health Board is required;”;

(b) for the definition of “medical list” substitute—

““medical performers list” means a list prepared by a Primary Care Trust pursuant to regulation 3(1) of the National Health Service (Performers Lists) Regulations 2004<sup>(42)</sup>;”;

(c) in the definition of “practitioner”—

(i) in paragraph (a) for “a registered medical practitioner or a registered dentist whose name is included on the medical list or, as the case may be,” substitute “a registered dentist whose name is included”,

(ii) in paragraph (c), omit “a registered medical practitioner or”,

(iii) omit “and” after paragraph (d),

(iv) in paragraph (e)—

(aa) for “a registered medical practitioner or a registered dentist who is a medical pilot scheme employee or a dental pilot scheme employee, as the case may be,” substitute “a registered dentist who is a dental pilot scheme employee”;

(bb) in sub-paragraph (i), omit “the medical list or, as the case may be,”;

(cc) in the full out words at the end, omit “medical or”; and

(dd) at the end, insert “and”, and

(v) at the end, add paragraph (f)—

“(f) a registered medical practitioner who is included in a medical performers list and who is providing services under—

(i) a GMS contract or a default contract, or

(ii) a PMS agreement;”;

(d) omit the definitions of “medical pilot scheme employee” and “personal medical services”; and

(e) insert, in the appropriate alphabetical position—

<sup>(40)</sup> S.I. 1995/866; relevant amendments are S.I. 1998/667, 2002/2469 and 2003/631.

<sup>(41)</sup> Regulation 2 was amended by S.I. 1997/646, 1998/667 and 2217, 2000/606, 2002/2469 and 2003/631.

<sup>(42)</sup> S.I. 2004/585.

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““default contract” means a contract under article 13 of the General Medical Services Transitional and Consequential Provisions Order 2004(43);

“GMS contract” means a contract under section 28Q of the National Health Service Act 1977(44);

“PMS agreement” means an agreement made under section 28C of the National Health Service Act 1977(45) and includes a transitional agreement as defined in article 1(4) of the General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004;”.

(3) In regulation 3 (persons to whom the regulations apply)(46), omit paragraph (1)(f).

(4) In regulation 4A (recovery of costs)(47), in paragraph (6)(c), for

“to—

(i) a person providing piloted services, or

(ii) a registered medical practitioner who is a medical pilot scheme employee;”;

substitute “to a person providing piloted services”.

#### *The National Health Service Contracts (Dispute Resolution) Regulations 1996*

**14.** In the National Health Service Contracts (Dispute Resolution) Regulations 1996(48), after regulation 1 (citation, commencement and interpretation), insert—

#### **“Application of these Regulations**

**1A.—**(1) These Regulations do not apply in the case of a dispute concerning a term of—

(a) a GMS contract;

(b) a contract entered into pursuant to section 176(3) of the Health and Social Care (Community Health and Standards) Act 2003(49); or

(c) a personal medical services agreement.

(2) These Regulations do not apply in the case of a dispute concerning a proposed term of arrangement which is intended to be—

(a) a GMS contract; or

(b) a personal medical services agreement.

(3) In this regulation—

“GMS contract” means a general medical services contract under section 28Q of the National Health Service Act 1977(50);

“personal medical services agreement” means an agreement for primary medical services made under section 28C of the National Health Service Act 1977.”.

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(43) S.I. 2004/433.

(44) Section 28Q was inserted into the National Health Service Act 1977 by section 175(1) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) (“the 2003 Act”).

(45) Section 28C was inserted into the Act by the National Health Service (Primary Care) Act 1997 (c. 46), section 21(1) and amended by the Health Act 1999 (c. 8), Schedule 4, paragraph 15, the Health and Social Care Act 2001 (c. 15), Schedule 5, paragraph 11(4), the National Health Service Reform and Health Care Professions Act 2002 (c. 17), Schedule 3, paragraph 7(2) and the 2003 Act, Schedule 11, paragraph 14.

(46) Paragraph (1)(f) of regulation 3 was inserted by S.I. 1998/667 and amended by S.I. 1998/2217 and 2002/2469.

(47) Regulation 4A was inserted by S.I. 1997/646; paragraph (6), as previously inserted by S.I. 1998/667, was substituted by S.I. 2000/606 and amended by S.I. 2002/2469.

(48) S.I. 1996/623.

(49) 2003 c. 43.

(50) 1977 c. 49.



*The National Health Service (Functions of Health Authorities) (Complaints) Regulations 1996*

**15.** In the National Health Service (Functions of Health Authorities) (Complaints) Regulations 1996(**51**), in regulation 1 (citation, commencement and interpretation), in paragraph (2), for the definition of “family health service practitioner” substitute—

““family health service practitioner” means a person who—

- (a) provides or performs primary medical services under Part 1 of the Act;
- (b) provides any of the services to be provided under Part 2 of the Act, that is to say, general dental services, general ophthalmic services or pharmaceutical services; or
- (c) before 1st April 2004, provided general medical services under Part 2 of the Act.”.

*The Health Authorities (Membership and Procedure) Regulations 1996*

**16.**—(1) The Health Authorities (Membership and Procedure) Regulations 1996(**52**) shall be amended as provided in this paragraph.

(2) In regulation 1 (citation, commencement and interpretation)—

- (a) in the definition of “discipline committee” omit “medical”;
- (b) in the definition of “Part II services” omit “general medical services,”;
- (c) in the definition of “service committee” omit “medical”.

(3) In regulation 10 (disqualification for appointment)—

- (a) in paragraph (1)(d), insert at the end “or a list prepared pursuant to section 28X of that Act”;
- (b) in paragraph (4)(b), for the words from “general medical services” to the end substitute “or performing primary medical services under Part 1 of the 1977 Act”;
- (c) in paragraph (5)(b), for “or performing personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997” substitute “or providing or performing primary medical services under Part 1 of the 1977 Act”.

(4) In regulation 14 (appointment of committees and sub-committees), in paragraph (3), at end add “or provide or perform primary medical services under Part 1 of the 1977 Act”.

(5) In regulation 16 (disability of chairman and members in proceedings on account of pecuniary interest), for “or performing personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997” substitute “or providing or performing primary medical services under Part 1 of the 1977 Act”.

*The National Health Service (Indicative Amounts) Regulations 1997*

**17.** In the National Health Service (Indicative Amounts) Regulations 1997(**53**), in regulation 3 (application of section 18 of the 1990 Act to practices with members on the list of a Health Board)—

- (a) for “medical list” in both places it occurs, substitute “medical performers list”; and
- (b) for “Health Authority” in both places it occurs, substitute “Local Health Board”.

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(51) S.I. 1996/669 as amended by S.I. 2002/2469.

(52) S.I. 1996/707. These Regulations (but not the title) were amended, for England, to relate to Strategic Health Authorities by S.I. 2002/2469. Other relevant amending instruments are S.I. 1997/2991, 1998/646 and 2621, 1999/1901, 2000/696 and 2002/556.

(53) S.I. 1997/980 as amended by S.I. 2002/2469.

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*The Prescription Only Medicines (Human Use) Order 1997*

**18.**—(1) The Prescription Only Medicines (Human Use) Order 1997(**54**) shall be amended as provided in this paragraph.

(2) In article 12B (exemption for health professionals who supply or administer prescription only medicines under a Patient Group Direction in order to assist doctors or dentists in providing national health services)(**55**), for paragraph 3(b)(i) substitute—

“(i) in relation to England and Wales, the provision of primary medical services under Part I of the National Health Service Act 1977;”.

*The National Health Service (Proposals for Pilot Schemes)  
and (Miscellaneous Amendments) Regulations 1997*

**19.**—(1) In the National Health Service (Proposals for Pilot Schemes) and (Miscellaneous Amendments) Regulations 1997(**56**)—

(a) in regulation 2 (requests to authorities for preparation of proposals), in paragraph (5)(b), omit paragraph (i); and

(b) in regulation 3 (consultation on proposals), omit paragraph (2).

(2) The amendment made by sub-paragraph (1) does not extend to Scotland.

*The National Health Service (Pilot Schemes – Health Service Bodies) Regulations 1997*

**20.**—(1) In the National Health Service (Pilot Schemes – Health Service Bodies) Regulations 1997(**57**), in regulation 1(2) (citation, commencement and application), in the definition of “application” omit “personal medical services or”.

(2) The amendment made by sub-paragraph (1) does not extend to Scotland.

*The Medical Act 1983 (Approved Medical Practices and Conditions of Residence) and  
National Health Service (General Medical Services) (Amendment) Regulations 1998*

**21.**—(1) The Medical Act 1983 (Approved Medical Practices and Conditions of Residence) and National Health Service (General Medical Services) (Amendment) Regulations 1998(**58**) shall be amended as provided in this paragraph.

(2) In regulation 2 (medical practices qualifying for approval)(**59**)—

(a) in paragraph (1), for sub-paragraph (a) substitute—

“(a) “GP Registrar” has the meaning assigned to it in regulation 2(1) of the National Health Service (General Medical Services Contracts) Regulations 2004(**60**); and”; and

(b) in paragraph (2)(d), for “General Practice (GP) Registrar” substitute “GP Registrar”.

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(54) S.I. [1997/1830](#).

(55) Article 12B was inserted by S.I. [2000/1917](#) and amended by S.I. [2002/2469](#).

(56) S.I. [1997/2289](#). The relevant amending instrument is S.I. [1998/3](#).

(57) S.I. [1997/2929](#). The relevant amending instrument is S.I. [1998/1136](#).

(58) S.I. [1998/1664](#).

(59) Regulation 2 has been previously amended by S.I. [2000/3040](#) and is prospectively amended by S.I. [2003/1250](#).

(60) S.I. [2004/291](#).

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(3) In regulation 3 (conditions as to residence), in paragraph (1) for the words “the National Health Service (General Medical Services) Regulations 1992” substitute “the National Health Service (General Medical Services Contracts) Regulations 2004”.

(4) Omit regulation 4 (amendment of the National Health Service (General Medical Services) Regulations 1992).

*The Primary Care Trusts (Consultation on Establishment,  
Dissolution and Transfer of Staff) Regulations 1999*

**22.**—(1) The Primary Care Trusts (Consultation on Establishment, Dissolution and Transfer of Staff) Regulations 1999<sup>(61)</sup> shall be amended as provided in this paragraph.

(2) In regulation 1 (citation, commencement and interpretation), in paragraph (2)—

(a) in the definition of “Part II services”, omit “general medical services”;

(b) for the definition of “practice patient” substitute—

““practice patient” means—

(a) in relation to a medical practitioner who practises otherwise than in partnership and is providing services under a transitional agreement, an individual who is on that practitioner’s list of patients (or, if that practitioner and one or more other medical practitioners together have a single list of patients in connection with the transitional agreement, an individual who is on that single list);

(b) in relation to a medical practitioner who is one of two or more practitioners who practise in partnership with each other and who is providing services under a transitional agreement, an individual who is on the list of patients of any of those practitioners (or, if any of those practitioners together have a single list of patients in connection with the transitional agreement, an individual who is on that single list); and

(c) in all other cases, an individual who is on the list of patients of a person providing primary medical services under Part 1 of the Act prepared and maintained by the Primary Care Trust;”.

(c) at the end, add—

““transitional agreement” means an agreement deemed to be made under section 28C of the Act pursuant to article 58 of the General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 and which has not been varied in accordance with article 59 of that Order.”.

(3) In regulation 2 (consultation requirements for PCT orders)—

(a) in paragraph (2)(d)(i), after “the provision of” insert “primary medical services”; and

(b) in paragraph (3)—

(i) in sub-paragraph (a)—

(aa) for “medical practitioners providing general” substitute “persons providing primary”; and

(bb) omit “or performing personal medical services in connection with a pilot scheme under the 1997 Act,”, and

(ii) in sub-paragraph (b)—

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<sup>(61)</sup> S.I. 1999/2337. The relevant amending instrument is S.I. 2002/2469.

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- (aa) for “medical practitioner providing general” substitute “person providing primary”; and
  - (bb) omit “or performing personal medical services in connection with a pilot scheme under the 1997 Act.”.
- (4) In regulation 3 (consultation on amendment of a PCT order or dissolution)—
- (a) in paragraph (4)(d)(i), after “the provision of” insert “primary medical services”; and
  - (b) in paragraph (5)—
    - (i) in sub-paragraph (a)—
      - (aa) for “medical practitioners providing general” substitute “persons providing primary”; and
      - (bb) omit “or performing personal medical services in connection with a pilot scheme under the 1997 Act.”, and
    - (ii) in sub-paragraph (b)—
      - (aa) for “medical practitioner providing general” substitute “person providing primary”; and
      - (bb) omit “or performing personal medical services in connection with a pilot scheme under the 1997 Act.”.

*The Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000*

**23.**—(1) The Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000(**62**) shall be amended as provided in this paragraph.

- (2) In regulation 1 (citation, commencement and interpretation), in paragraph (2)—
- (a) for the definition of “medical practitioner”, substitute—

““medical practitioner”, except in regulation 5(1)(da)(iii), means a medical practitioner who is providing or performing primary medical services under Part 1 of the Act.”;
  - (b) in the definition of “nurse”—
    - (i) in paragraphs (a) and (b), omit “personal medical services or”;
    - (ii) for paragraph (c), substitute—
      - “(c) is a party to a general medical services contract under section 28Q of the Act or to a PMS agreement;
      - (ca) is employed by a provider of primary medical services under Part 1 of the Act to assist in the provision of those services.”;
  - (c) in the definition of “Part II services”, omit “general medical services.”;
  - (d) after the definition of “pilot scheme health service body”, insert—

““PMS agreement” means an agreement made under section 28C of the Act and includes a transitional agreement deemed to have been made under that section pursuant to article 58 of the General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 and which has not been varied in accordance with article 59 of that Order.”; and
  - (e) for the definition of “primary care list”, substitute—

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(62) S.I. 2000/89. Relevant amending instruments are S.I. 2002/881 and 2003/1616.

““primary care list” means—

- (a) a list referred to in section 49N(1)(a) to (c) of the 1977 Act;
  - (b) a list of persons undertaking to provide general medical services prepared in accordance with regulations under section 29 of that Act as the list existed on or before 31st March 2004;
  - (c) a list of persons approved by a Primary Care Trust for the purpose of assisting in the provision of general medical services prepared in accordance with regulations under section 43D(1) of that Act as the list existed on or before 31st March 2004; or
  - (d) a services list referred to in section 8ZA(1)(a) of the National Health Service (Primary Care) Act 1997 as the list existed on or before 31st March 2004;”.
- (3) In regulation 5 (disqualification for appointment), in paragraph (1)—
- (a) in sub-paragraph (da)(iii), omit “, as the case may be,”; and
  - (b) in sub-paragraph (g)(i), after “in the provision of” insert “primary medical services”.

*The Health Service Medicines (Control of Prices of Branded Medicines) Regulations 2000*

**24.** In the Health Service Medicines (Control of Prices of Branded Medicines) Regulations 2000(**63**), in regulation 5 (application of regulations), in paragraph (b), for “Schedule 10 to the National Health Service (General Medical Services) Regulations 1992” substitute “Schedule 1 to the National Health Service (General Medical Services Contracts) (Prescription of Drugs etc) Regulations 2004(**64**)”.

*The National Health Service (Payments by Local Authorities to NHS Bodies) (Prescribed Functions) Regulations 2000*

**25.** In the National Health Service (Payments by Local Authorities to NHS Bodies) (Prescribed Functions) Regulations 2000(**65**), in regulation 2(2), in paragraph (c)—

- (a) for “Schedule 10 to the National Health Service (General Medical Services) Regulations 1992” substitute “Schedule 1 to the National Health Service (General Medical Services Contracts) (Prescription of Drugs etc) Regulations 2004”; and
- (b) for “Schedule 11” substitute “Schedule 2”.

*The National Health Service (Charges for Drugs and Appliances) Regulations 2000*

**26.**—(1) The National Health Service (Charges for Drugs and Appliances) Regulations 2000(**66**) shall be amended as provided in this paragraph.

- (2) In regulation 2 (interpretation), in paragraph (1)—
- (a) for the definition of “batch issue” substitute—

““batch issue” means a form provided by a Primary Care Trust and issued by a prescriber at the same time as a repeatable prescription to enable a chemist to receive payment for the provision of repeat dispensing services, which is in the format specified in Part 2 of Schedule 1 to the GMS Contract Regulations, and which—

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(63) S.I. 2000/123.

(64) S.I. 2004/629.

(65) S.I. 2000/618.

(66) S.I. 2000/620, as amended by S.I. 2000/2393 and 3189, 2001/746 and 2887, 2002/548, 1386, and 2352, 2003/585, 699 and 1084 and 2004/663.

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- (a) is generated by a computer and not signed by a prescriber;
  - (b) relates to a particular repeatable prescription and contains the same date as that prescription;
  - (c) is issued as one of a sequence of forms, the number of which is equal to the number of occasions on which the drugs or appliances ordered on the repeatable prescription may be provided; and
  - (d) specifies a number denoting its place in the sequence referred to in paragraph (c);”;
- (b) in the definition of “dispensing services” for “under a pilot scheme” substitute “under the terms of a GMS contract which give effect to paragraphs 47 to 51 of Schedule 6 to the GMS Contract Regulations or under the terms of a PMS agreement which give effect to paragraphs 45 to 51 of Schedule 5 to the National Health Service (Personal Medical Services Agreements) Regulations 2004(67)”;
- (c) after the definition of “exemption certificate” insert—
- ““the GMS Contract Regulations” means the National Health Service (General Medical Services Contracts) Regulations 2004(68);
- “GMS contract” means a general medical services contract under section 28Q of the Act(69);”;
- (d) omit the definition of “medical list”;
- (e) in the definition of “patient”, for paragraph (a) substitute—
- “(a) any person who is provided with primary medical services under Part 1 of the Act;”;
- (f) omit the definition of “pilot scheme”;
- (g) after the definition of “Patient Group Direction” insert—
- ““PMS agreement” means an agreement made under section 28C(70) of the Act;”;
- (h) after the definition of “pre-payment certificate” insert—
- ““prescriber” means a doctor, an independent nurse prescriber and a supplementary prescriber;”;
- (i) in the definition of “prescription form”, for “doctor, dentist, supplementary prescriber or independent nurse prescriber” substitute “prescriber or dentist”;
- (j) after the definition of “repeat dispensing services”, insert—
- ““repeatable prescriber” means a prescriber who is—
- (a) a GMS contractor who provides repeatable prescribing services under the terms of its contract which give effect to paragraph 40 of Schedule 6 to the GMS Regulations;
  - (b) a PMS contractor who provides repeatable prescribing services under the terms of its agreement which give effect to paragraph 39 of Schedule 5 to the PMS Regulations; or

(67) S.I. 2004/627.

(68) S.I.2004/291.

(69) Section 28Q was inserted into the Act by section 175(1) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) (“the 2003 Act”).

(70) Section 28C was inserted into the Act by the National Health Service (Primary Care) Act 1997 (c. 46), section 21(1) and amended by the Health Act 1999 (c. 8), Schedule 4, paragraph 15, the Health and Social Care Act 2001 (c. 15), Schedule 5, paragraph 11(4), the National Health Service Reform and Health Care Professions Act 2002 (c. 17), Schedule 3, paragraph 7(2) and the 2003 Act, Schedule 11, paragraph 14.

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- (c) employed or engaged by a GMS contractor who provides repeatable prescribing services under the terms of a contract which give effect to paragraph 40 of Schedule 6 to the GMS Regulations or by a PMS contractor who provides repeatable prescribing services under the terms of an agreement which give effect to paragraph 39 of Schedule 5 to the PMS Regulations;”.
- (k) for the definition of “repeatable prescription” substitute—
  - ““repeatable prescription” means a prescription contained in a form provided by a Primary Care Trust and issued by a repeatable prescriber to enable a person to obtain pharmaceutical services or local pharmaceutical services, which is in the format specified in Part 1 of Schedule 1 to the GMS Contract Regulations, and which—
  - (a) is generated by a computer but signed by a repeatable prescriber; and
  - (b) indicates that the drugs or appliances ordered on that form may be provided more than once, and specifies the number of occasions on which they may be provided;”;
- (l) in the definition of “terms of service”, omit “general medical services”.
- (3) After regulation 2(3) insert—
  - “(3A) For as long as there are in existence contracts entered into under article 13 of the General Medical Services Transitional and Consequential Provisions Order 2004(71) (“default contracts”) any reference in these Regulations to a GMS contract shall be read as including a reference to a contract entered into under that article and any reference to a term of a GMS contract shall be read as including a reference to the equivalent term of the default contract.
  - (3B) For as long as there are in existence transitional agreements as defined in article 1(4) of the General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004, any reference in these Regulations to a personal medical services agreement shall be read as including a reference to a transitional agreement and any reference to a term of a personal medical services agreement shall be read as including a reference to any equivalent term in the transitional agreement.”.
- (4) In regulation 3 (supply of drugs and appliances by chemists), in paragraph (3)(c), omit from “doctor” to the end and insert “prescriber pursuant to the term of a general medical services contract which gives effect to paragraph 44(2) of Schedule 6 to the GMS Contract Regulations or the equivalent term of a PMS agreement or of other arrangements for the provision of primary medical services made under section 16CC(2) of the Act.”.
- (5) In regulation 4 (supply of drugs and appliances by doctors), in paragraph (7), for “doctor in respect of the provision by him of general medical services or personal medical services in connection with a pilot scheme” substitute “contractor under a GMS contract, a PMS agreement or arrangements made under section 16CC(2) of the Act”.
- (6) In regulation 6 (supply of drugs and appliances at walk-in centres), in paragraph (1), for “doctor, supplementary prescriber or independent nurse prescriber” substitute “prescriber”.

*The Family Health Services Appeal Authority (Procedure) Rules 2001*

27.—(1) The Family Health Services Appeal Authority (Procedure) Rules 2001(72) shall be amended as provided in this paragraph.

- (2) In rule 2(1) (interpretation)—

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(71) S.I. 2004/433.

(72) S.I. 2001/3750; relevant amendments are S.I. 2002/1921 and 2469.

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- (a) in the definition of “contingent removal decision”, after “1977 Act”, insert “or under regulations making provision corresponding to section 49M pursuant to section 28X(4) of that Act”(73); and
  - (b) in the definition of “FHS Regulations”—
    - (i) before paragraph (a), insert—
      - “(aa) sections 28S and 126(4) of the 1977 Act (persons eligible to enter into GMS contracts),
      - (ab) section 28X of the 1977 Act (persons performing primary medical and dental services),”
    - (ii) omit “or” at the end of paragraph (i),
    - (iii) insert “or” at the end of paragraph (j),
    - (iv) at the end, add—
      - “(k) section 200 of the Health and Social Care (Community Health and Standards) Act 2003 (transitional or transitory provision and savings);”.
- (3) In rule 2(2)(a)—
- (a) at the end of paragraph (i), after “of the 1977 Act”, insert “or under regulations making provision corresponding to section 49I, pursuant to section 28X(4) of that Act”; and
  - (b) at the end of paragraph (iii), after “of the 1977 Act”, insert “or under regulations making provision corresponding to section 49M, pursuant to section 28X(4) of that Act”.
- (4) In rule 15(1) (applications in respect of contingent removal decisions), after “of the 1977 Act”, insert “or under regulations making provision corresponding to section 49M, pursuant to section 28X(4) of that Act”.
- (5) At the end of rule 46(b) (publication of certain decisions by FHSAA), after “of the 1977 Act”, add “or under regulations making provision corresponding to section 49M, pursuant to section 28X(4) of that Act”.

#### *The Care Homes Regulations 2001*

- 28.**—(1) The Care Homes Regulations 2001(74) shall be amended as provided in this paragraph.
- (2) In regulation 2 (interpretation)(75), paragraph (1), for the definition of “general practitioner”, substitute—
- ““general practitioner” means a person who—
- (a) provides primary medical services pursuant to Part I of the National Health Service Act 1977; or
  - (b) provides services which correspond to primary medical services provided under Part I of that Act, otherwise than in pursuance of that Act;”.

#### *The Children’s Homes Regulations 2001*

- 29.**—(1) The Children’s Homes Regulations 2001(76) shall be amended as provided in this paragraph.

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(73) Section 28X was inserted by section 179(1) of the 2003 Act.

(74) S.I. 2001/3965.

(75) Regulation 2 was previously amended by S.I. 2003/1590.

(76) S.I. 2001/3967.



(2) In regulation 2 (interpretation)(77), in paragraph (1), for the definition of “general practitioner”, substitute—

““general practitioner” means a person who—

- (a) provides primary medical services pursuant to Part I of the National Health Service Act 1977; or
- (b) provides services which correspond to primary medical services provided under Part I of that Act, otherwise than in pursuance of that Act;”.

(3) In regulation 21 (medicines), in paragraph (4)(a)—

- (a) in paragraph (i), after “National Health Service Act 1977” insert “or section 176(3) of the Health and Social Care (Community Health and Standards) Act 2003”; and
- (b) omit paragraph (ii)

#### *The Private and Voluntary Health Care (England) Regulations 2001*

**30.**—(1) The Private and Voluntary Health Care (England) Regulations 2001(78) shall be amended as provided in this paragraph.

(2) In regulation 2 (interpretation), in paragraph (1), for sub-paragraphs (a), (b) and (c), substitute—

- “(a) performs primary medical services pursuant to Part I of the NHS Act; or
- (b) performs services which correspond to primary medical services provided under Part I of that Act, otherwise than in pursuance of that Act,

except in paragraph 1(c) of Part 2 of Schedule 3 where it means a person who provides the services specified in sub-paragraph (a) or (b);”.

(3) In regulation 3 (prescribed techniques or technology and exceptions to the definition of independent hospital), in paragraph (3)(e)—

- (a) for the words “the provision of general medical services within the meaning of Part II”, substitute “the performance by a general practitioner of primary medical services under Part I”; and
- (b) omit the words “or personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997”.

(4) In regulation 4 (meaning of independent clinic), in paragraph (1)(a), for the words “general medical services” to the end, substitute “primary medical services under Part I of that Act; and”.

#### *The Fostering Services Regulations 2002*

**31.**—(1) The Fostering Services Regulations 2002(79) shall be amended as provided in this paragraph.

(2) In regulation 2 (interpretation)(80), in paragraph (1), for the definition of “general practitioner”, substitute—

““general practitioner” means a person who—

- (a) provides primary medical services pursuant to Part I of the National Health Service Act 1977; or

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(77) Regulation 2 has been previously amended by S.I. [2002/2469](#).

(78) S.I. [2001/3968](#).

(79) S.I. [2002/57](#).

(80) Regulation 2 was previously amended by S.I. [2002/865](#) and [2002/2469](#).

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- (b) provides services which correspond to primary medical services provided under Part I of that Act, otherwise than in pursuance of that Act;”.

*The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) Regulations 2002*

**32.**—(1) The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) Regulations 2002<sup>(81)</sup> shall be amended as provided in this paragraph.

(2) In regulation 2 (interpretation), in paragraph (1)—

(a) for the definition of “practice patient” substitute—

““practice patient” means—

- (a) in relation to a medical practitioner who practises otherwise than in partnership and is providing services under a transitional agreement, an individual who is on that practitioner’s list of patients (or, if that practitioner and one or more other medical practitioners together have a single list of patients in connection with the transitional agreement, an individual who is on that single list);
- (b) in relation to a medical practitioner who is one of two or more practitioners who practise in partnership with each other and who is providing services under a transitional agreement, an individual who is on the list of patients of any of those practitioners (or, if any of those practitioners together have a single list of patients in connection with the transitional agreement, an individual who is on that single list); and
- (c) in all other cases, an individual who is on the list of patients of a person providing primary medical services under Part 1 of the Act prepared and maintained by the Primary Care Trust,  
other than an individual who is resident in Scotland;”;

(b) in the definition of “the relevant date”, for paragraphs (b) to (d) substitute—

“(b) in the case of a Primary Care Trust providing primary medical services under a personal medical services agreement or a transitional agreement, the date on which services were first performed under that contract or agreement or pursuant to those arrangements;”;

(c) for the definition of “the relevant Primary Care Trust” substitute—

““the relevant Primary Care Trust” means, in relation to a person providing primary medical services under Part 1 of the Act—

- (a) where the Primary Care Trust is a party to a general medical services contract, a default contract or contractual arrangements under section 16CC(2)(b) of the Act with that person, that Primary Care Trust;
- (b) where the Primary Care Trust is a party to a personal medical services agreement or a transitional agreement with that person, that Primary Care Trust;
- (c) where the Primary Care Trust is providing services itself under section 16CC(2)(a) of the Act, that Primary Care Trust; or

<sup>(81)</sup> S.I. 2002/2375 as amended by S.I. 2002/2548 and 2003/1497.

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- (d) in all other cases, the Primary Care Trust in whose area on the relevant date, most of the practice patients of the person providing primary medical services at that date were living.”;

- (d) in the appropriate alphabetical position, insert—

““default contract” means a contract entered into pursuant to section 176(3) of the Health and Social Care (Community Health and Standards) Act 2003<sup>(82)</sup> (general medical services: transitional);

“general medical services contract” means a contract under section 28Q of the Act<sup>(83)</sup>;

“personal medical services agreement” means an agreement for primary medical services made under section 28C of the Act<sup>(84)</sup>;

“transitional agreement” has the meaning given in article 1(4) of the General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004;”.

(3) In regulation 3 (functions of the Secretary of State exercisable by Strategic Health Authorities and Primary Care Trusts), in paragraph (7), in sub-paragraph (a)(i), for “medical practitioners providing general medical services under the Act, or performing personal medical services in connection with a pilot scheme under the 1997 Act,” substitute “persons providing primary medical services under Part 1 of the Act”.

(4) In regulation 4 (functions relating to pilot schemes), omit paragraph (5)(b).

(5) In regulation 6 (limitations and restrictions on the exercise of functions relevant to both Strategic Health Authorities and Primary Care Trusts), omit paragraph (5).

(6) In regulation 9 (arrangements by Strategic Health Authorities for exercise of functions), after paragraph (6) insert—

“(6A) Any function exercisable by a Strategic Health Authority under—

(a) Schedule 3 to the National Health Service (General Medical Services) Contracts Regulations 2004 (opt outs of additional and out of hours services)<sup>(85)</sup>; or

(b) Schedule 4 to the National Health Service (Personal Medical Services Agreements) Regulations 2004 <sup>(86)</sup>(opt outs of out of hours services),

may be exercised on behalf of the Authority by a committee, sub-committee or officer of the Authority.”.

(7) In regulation 10 (arrangements by Primary Care Trusts for exercise of functions)—

(a) in paragraph 1—

(i) for “or the 2002 Act” substitute “, the 2002 Act or the Health and Social Care (Community Health and Standards) Act 2003”, and

(ii) after sub-paragraph (a) insert—

“(aa) in the case of the functions of an assessment panel appointed under paragraph 31 or 35 of Schedule 6 to the National Health Service (General Medical Services Contracts) Regulations 2004, or paragraph 30 or 34 of

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<sup>(82)</sup> 2003 c. 43.

<sup>(83)</sup> Section 28Q was inserted by section 175(1) of the 2003 Act.

<sup>(84)</sup> Section 28C was inserted into the Act by the National Health Service (Primary Care) Act 1997 (c. 46), section 21(1) and amended by the Health Act 1999 (c. 8), Schedule 4, paragraph 15, the Health and Social Care Act 2001 (c. 15), Schedule 5, paragraph 11(4), the National Health Service Reform and Health Care Professions Act 2002 (c. 17), Schedule 3, paragraph 7(2) and the 2003 Act, Schedule 11, paragraph 14.

<sup>(85)</sup> S.I. 2004/291.

<sup>(86)</sup> S.I. 2004/627.

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Schedule 5 to the National Health Service (Personal Medical Services Agreements) Regulations 2004 by a committee or sub-committee of another Primary Care Trust”; and

(b) omit paragraphs (7) and (8).

(8) In regulation 11 (arrangements with health service bodies in Wales), in paragraph (3), after “the 2002 Act” insert “the Health and Social Care (Community Health and Standards) Act 2003”.

(9) In Schedule 3 (functions of Strategic Health Authorities not to be exercisable by Primary Care Trusts) insert the following entries at the end of the table—

|   |  |
|---|--|
| The National Health Service (General Medical Services) Contracts Regulations 2004, Schedule 3                     | Opt outs of additional and out of hours services |
| The National Health Service (Personal Medical Services Agreements) Regulations 2004, Schedule 4                   | Opt outs of out of hours services                |
| The Directions as to the functions of Strategic Health Authorities (GMS Contract Disputes) dated 8th March 2004   | Dispute resolution relating to patient lists     |
| The Directions as to the functions of Strategic Health Authorities (PMS Agreement Disputes) dated 18th March 2004 | Dispute resolution relating to patient lists     |

*The Commission for Patient and Public Involvement in Health (Membership and Procedure) Regulations 2002*

**33.**—(1) The Commission for Patient and Public Involvement in Health (Membership and Procedure) Regulations 2002(**87**) shall be amended as provided in this paragraph.

(2) In regulation 1(3) (citation, commencement, application and interpretation), for the definition of “primary care list”, substitute—

““primary care list” means—

- (a) a list referred to in section 49N(1)(a) to (c) of the 1977 Act;
- (b) a list of persons undertaking to provide general medical services prepared in accordance with regulations under section 29 of that Act as the list existed on or before 31st March 2004;
- (c) a list of persons approved by a Primary Care Trust for the purpose of assisting in the provision of general medical services prepared in accordance with regulations under section 43D(1) of that Act as the list existed on or before 31st March 2004; or
- (d) a services list referred to in section 8ZA(1)(a) of the National Health Service (Primary Care) Act 1997 as the list existed on or before 31st March 2004.”.

(3) In regulation 5(1)(e)(iii) (disqualification for appointment) omit “, as the case may be,”.

(4) In Schedule 2 (access to meetings and documents), in paragraph (5)(a)(iii), for the paragraph 6B which is to be read as if inserted into Schedule 12A to the Local Government Act 1972, substitute—

“**6B** Information relating to—

(87) S.I. 2002/3038.

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- (a) any particular person who is or was formerly included in a list of persons undertaking to provides services under Part 2 of the National Health Service Act 1977 or is an applicant for inclusion in such a list;
- (b) any particular person who is or was formerly included in, or is an applicant for inclusion in, a list under section 28X of that Act<sup>(88)</sup>;
- (c) any particular person who is or was formerly providing services under a contract under section 28Q of that Act;
- (d) any particular person who is or was providing or performing personal medical services under a pilot scheme agreement under Part 1 of the National Health Service (Primary Care) Act 1997<sup>(89)</sup> or in accordance with arrangements made or deemed to be made under section 28C of the National Health Service Act 1977;
- (e) any particular person who is or was performing personal dental services in accordance with arrangements under section 28C of that Act; or
- (f) any particular employee, former employee or applicant to become an employee of a person referred to in sub-paragraphs (a) to (e).”.

*The Counter Fraud and Security Management Service Regulations 2002*

**34.** In the Counter Fraud and Security Management Service Regulations 2002<sup>(90)</sup>—

- (a) in regulation 1(3) (citation, commencement, application and interpretation), for the definition of “primary care list”, substitute—
  - ““primary care list” means—
  - (a) a list referred to in section 49N(1)(a) to (d) of the Act;
  - (b) a list of persons undertaking to provide general medical services prepared in accordance with regulations under section 29 of the Act as the list existed on or before 31st March 2004;
  - (c) a list of persons approved by a Primary Care Trust for the purpose of assisting in the provision of general medical services prepared in accordance with regulations under section 43D(1) of that Act as the list existed on or before 31st March 2004; or
  - (d) a services list referred to in section 8ZA(1)(a) of the National Health Service (Primary Care) Act 1997 as the list existed on or before 31st March 2004.”; and
- (b) in regulation 3(1)(e)(iii) (disqualification for appointment), omit “, as the case may be,”.

*The Residential Family Centres Regulations 2002*

**35.**—(1) The Residential Family Centres Regulations 2002<sup>(91)</sup> shall be amended as provided in this paragraph.

(2) In regulation 2 (interpretation), in paragraph (1), for the definition of “general practitioner”, substitute—

““general practitioner” means a person who—

- (a) provides primary medical services pursuant to Part I of the National Health Service Act 1977; or

<sup>(88)</sup> Section 28X was inserted by section 179 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43).

<sup>(89)</sup> 1997 c. 46.

<sup>(90)</sup> S.I. 2002/3040.

<sup>(91)</sup> S.I. 2002/3213.

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- (b) provides services which correspond to primary medical services provided under Part I of that Act, otherwise than in pursuance of that Act;”.

*The Health Protection Agency (Yr Asiantaeth Diogelu Iechyd) Regulations 2003*

- 36.** In the Health Protection Agency (Yr Asiantaeth Diogelu Iechyd) Regulations 2003<sup>(92)</sup>—
- (a) in regulation 1(2) (citation, commencement and interpretation), for the definition of “primary care list”, substitute—
    - ““primary care list” means—
    - (a) a list referred to in section 49N(1)(a) to (c) of the Act;
    - (b) a list of persons undertaking to provide general medical services prepared in accordance with regulations under section 29 of the Act as the list existed on or before 31st March 2004;
    - (c) a list of persons approved by a Primary Care Trust for the purpose of assisting in the provision of general medical services prepared in accordance with regulations under section 43D(1) of that Act as the list existed on or before 31st March 2004; or
    - (d) a services list referred to in section 8ZA(1)(a) of the National Health Service (Primary Care) Act 1997 as the list existed on or before 31st March 2004.”; and
  - (b) in regulation 3(1)(e)(iii) (disqualification for appointment), omit “, as the case may be,”.

*The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003*

- 37.**—(1) The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003<sup>(93)</sup> shall be amended as provided in this paragraph.
- (2) In article 10 (the General Practitioner Register)—
    - (a) in paragraph (4), for sub-paragraph (a), substitute—
      - “(a) in England or Wales, be included in a medical performers list;”;
    - (b) in paragraph (6), omit sub-paragraph (a); and
    - (c) in paragraph (7), after the word “practise” insert “in Scotland and Northern Ireland”.
  - (3) In article 11 (general practitioners eligible for entry in the General Practitioner Register), in paragraph (2), for the words “the restriction on his right to practise as provided for in article 10(7)” substitute “that fact”.
  - (4) In article 12 (acquired rights of general practitioners), in paragraph (2) for the words “the restriction on his right to practise as provided for in article 10 (6) or (7) (as appropriate)” substitute “that fact”.
  - (5) In Schedule 1 (interpretation)—
    - (a) insert at the appropriate alphabetical position—
      - ““medical performers list” means a list of medical practitioners prepared and published pursuant to section 28X of the 1977 Act;”;
    - (b) for the definition of “restricted services principal” substitute—
      - ““restricted services principal” means—

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<sup>(92)</sup> S.I. 2003/506.

<sup>(93)</sup> S.I. 2003/1250.

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- (a) in England and Wales, a general practitioner who had, pursuant to the National Health Service (General Medical Services) Regulations 1992 (before their repeal), undertaken to provide general medical services limited to—
    - (i) child health surveillance services,
    - (ii) contraceptive services,
    - (iii) maternity medical services, or
    - (iv) minor surgery services,or any combination of the above;
  - (b) in Scotland, the same as in the National Health Service (General Medical Services) (Scotland) Regulations 1995; or
  - (c) in Northern Ireland, the same as in the General Medical Services Regulations (Northern Ireland) 1997;”.
- (6) In Schedule 8 (transitional, transitory and saving provisions), in paragraph 22 (general practitioners permitted to work within the National Health Service during the transitional period)—
- (a) in sub-paragraph (2)—
    - (i) for sub-paragraph (a) substitute—
      - “(a) in England and Wales, inclusion in a medical performers list;”;
  - (b) in sub-paragraph (4), omit sub-paragraph (a); and
  - (c) in sub-paragraph (5), after the word “practise” insert “in Scotland or Northern Ireland”.
- (7) In Schedule 9 (consequential amendments to primary legislation)—
- (a) in paragraph 2 (National Health Service Act 1977 (c. 49)), omit sub-paragraphs (a) and (b); and
  - (b) in paragraph 6 (National Health Service (Primary Care) Act 1997 (c. 46)), omit sub-paragraphs (a), (b) and (c)(i).
- (8) In Schedule 10 (consequential amendments to, and revocations of, secondary legislation), omit paragraphs 1 (the National Health Service (General Medical Services) Regulations 1992), 5 (the National Health Service (Pilot Schemes: Miscellaneous Provisions and Consequential Amendments) Regulations 1998) and 7 (the National Health Service (General Medical Services Supplementary List) Regulations 2001).

*The Patients' Forums (Membership and Procedure) Regulations 2003*

**38.** In the Patients' Forums (Membership and Procedure) Regulations 2003(94)—

- (a) in regulation 1(3) (citation, commencement and interpretation), for the definition of “primary care list” substitute—
  - ““primary care list” means—
  - (a) a list referred to in section 49N(1)(a) to (c) of the 1977 Act(95);
  - (b) a list of persons undertaking to provide general medical services prepared in accordance with regulations under section 29 of that Act(96) as the list existed on or before 31st March 2004;

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(94) S.I. 2003/2123.

(95) Section 49N(1) was inserted by the Health and Social Care Act 2001 (c. 15) (“the 2001 Act”), section 25 and amended by the National Health Service Reform and Health Care Professions Act 2002 (c. 17) (“the 2002 Act”), Schedule 2, paragraph 25 and the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) (“the 2003 Act”), Schedule 11, paragraph 24.

(96) Section 29 is repealed by sections 175(2) and 196 of, and Schedule 14 to, the 2003 Act.

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- (c) a list of persons approved by a Primary Care Trust for the purpose of assisting in the provision of general medical services prepared in accordance with regulations under section 43D(1) of that Act as the list existed on or before 31st March 2004; or
  - (d) a services list referred to in section 8ZA(1)(a) of the National Health Service (Primary Care) Act 1997<sup>(97)</sup> as the list existed on or before 31st March 2004.”; and
- (b) in regulation 4(1)(c)(iii) (disqualification for appointment) omit “, as the case may be,”.

*The Patients' Forums (Functions) Regulations 2003*

**39.** In the Patients' Forums (Functions) Regulations 2003<sup>(98)</sup>, in regulation 3 (entry and inspection of premises), in paragraph (3)—

- (a) after sub-paragraph (d) insert—
  - “(da) persons providing primary medical services under Part 1 of the 1977 Act;”;
  - and
- (b) in sub-paragraph (e), for “arrangements under section 28C of that Act” substitute “a personal dental services pilot scheme established under Part 1 of the National Health Service (Primary Care) Act 1997”.

*The National Health Service (Travel Expenses and Remission of Charges) Regulations 2003*

**40.** In regulation 3 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003<sup>(99)</sup> (NHS travel expenses), in paragraph (1)(a) for “personal medical” substitute “primary medical services provided under Part 1 of the Act”.

*The NHSU Regulations 2003*

**41.** In the NHSU Regulations 2003<sup>(100)</sup>—

- (a) in regulation 1(3) (citation, commencement, application and interpretation), for the definition of “primary care list”, substitute—
  - ““primary care list” means—
  - (a) a list referred to in section 49N(1)(a) to (c) of the Act;
  - (b) a list of persons undertaking to provide general medical services prepared in accordance with regulations under section 29 of the Act as the list existed on or before 31st March 2004;
  - (c) a list of persons approved by a Primary Care Trust for the purpose of assisting in the provision of general medical services prepared in accordance with regulations under section 43D(1) of that Act as the list existed on or before 31st March 2004; or
  - (d) a services list referred to in section 8ZA(1)(a) of the National Health Service (Primary Care) Act 1997 as the list existed on or before 31st March 2004.”; and
- (b) in regulation 3(1)(e)(iii) (disqualification for appointment), omit “, as the case may be,”.

<sup>(97)</sup> 1997 c. 46; section 8ZA was inserted by section 26(2) of the 2001 Act and was amended by section 4(3) of, and paragraphs 1 and 3 of Schedule 3 to the 2002 Act; and is repealed by section 196 of, and Schedule 14 to, the 2003 Act so far as it relates to personal medical services and otherwise on a date to be appointed.

<sup>(98)</sup> S.I. 2003/2124 as amended by S.I. 2004/540.

<sup>(99)</sup> S.I. 2003/2382.

<sup>(100)</sup> S.I. 2003/2773.



*The NHS Professionals Special Health Authority Regulations 2003*

**42.** In regulation 1(3) of the NHS Professionals Special Health Authority Regulations 2003 (citation, commencement, application and interpretation)(**101**), for the definition of “primary care list”, substitute—

““primary care list” means—

- (a) a list referred to in section 49N(1) of the Act;
- (b) a list of persons undertaking to provide general medical services prepared in accordance with regulations under section 29 of the Act as the list existed on or before 31st March 2004;
- (c) a list of persons approved by a Primary Care Trust for the purpose of assisting in the provision of general medical services prepared in accordance with regulations under section 43D(1) of that Act as the list existed on or before 31st March 2004; or
- (d) a services list referred to in section 8ZA(1)(a) of the National Health Service (Primary Care) Act 1997 as the list existed on or before 31st March 2004.”.

*The Commission for Social Care Inspection (Membership) Regulations 2003*

**43.** In the Commission for Social Care Inspection (Membership) Regulations 2003(**102**)—

- (a) in regulation 1(3) (citation, commencement, application and interpretation), for the definition of “primary care list” substitute—

““primary care list” means—

- (a) a list referred to in section 49N(1)(a) to (c) of the Act;
  - (b) a list of persons undertaking to provide general medical services prepared in accordance with regulations under section 29 of the Act as the list existed on or before 31st March 2004;
  - (c) a list of persons approved by a Primary Care Trust for the purpose of assisting in the provision of general medical services prepared in accordance with regulations under section 43D(1) of the Act as the list existed on or before 31st March 2004; or
  - (d) a services list referred to in section 8ZA(1)(a) of the National Health Service (Primary Care) Act 1997 as the list existed on or before 31st March 2004.”; and
- (b) in regulation 4 (disqualification for appointment or from holding office), in paragraph (1) (k)(ii), for “such a list”, substitute “a primary care list”.

*The Commission for Healthcare Audit and Inspection (Membership) Regulations 2003*

**44.** In the Commission for Healthcare Audit and Inspection (Membership) Regulations 2003(**103**)—

- (a) in regulation 1(2) (citation, commencement and interpretation), for the definition of “primary care list” substitute—

““primary care list” means—

- (a) a list referred to in section 49N(1)(a) to (c) of the Act;

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(101) S.I. 2003/3060.

(102) S.I. 2003/3190.

(103) S.I. 2003/3279.

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- (b) a list of persons undertaking to provide general medical services prepared in accordance with regulations under section 29 of the Act as the list existed on or before 31st March 2004;
  - (c) a list of persons approved by a Primary Care Trust for the purpose of assisting in the provision of general medical services prepared in accordance with regulations under section 43D(1) of the Act as the list existed on or before 31st March 2004; or
  - (d) a services list referred to in section 8ZA(1)(a) of the National Health Service (Primary Care) Act 1997 as the list existed on or before 31st March 2004.”; and
- (b) in regulation 4 (disqualification for appointment or from holding office), in paragraph (1)(j)(ii), for “such a list”, substitute “a primary care list”.

*The Crime and Disorder Strategies (Prescribed Descriptions) (England) Order 2004*

**45.**—(1) The Crime and Disorder Strategies (Prescribed Descriptions) (England) Order 2004(**104**) shall be amended as provided in this paragraph.

- (2) In article 3, in paragraph (2)—
  - (a) in sub-paragraph (w), for “is—” to the end, substitute “performing primary medical services in that local government area under Part I of the National Health Service Act 1977.”; and
  - (b) in sub-paragraph (x), for “are—” to the end, substitute “are performing primary medical services in that local government area”.

*The General Medical Services Transitional and Consequential Provisions Order 2004*

**46.**—(1) The General Medical Services Transitional and Consequential Provisions Order 2004(**105**) shall be amended as provided in this paragraph.

(2) In article 1 (citation, commencement, application and interpretation), in paragraph (3), in the definition of “FHSAA”, after “section 49S of the”, insert “1977”.

(3) In article 3 (entitlement to a general medical services contract as an individual medical practitioner), in paragraph (8), for “is refusing”, substitute “refuses”.

(4) In article 4 (appeal against refusal of a contract under article 3), in paragraph (4), after “the matter” insert “under dispute”.

(5) In article 12 (effect of events taking place after 31st March 2004 on entitlement to enter into a general medical services contract), in paragraph (b), for “Schedule”, in both places where it occurs, substitute “paragraph”.

(6) In article 13 (entitlement to a contract under section 176(3) of the Act), in paragraph (8), for “is refusing”, substitute “refuses”.

(7) In article 22 (modification of certain out of hours provisions in the 2004 Regulations during the existence of contractual arrangements made under article 15), in paragraph (b)(ii), for “article 20(b)(ii)” substitute “article 21(b)(ii)”.

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(104) S.I. 2004/118.

(105) S.I. 2004/433.