EXECUTIVE NOTE

The National Health Service (Primary Medical Services Performers Lists) (Scotland) Amendment Regulations 2006 SSI/2006/136

The above instrument was made in exercise of the powers conferred by sections 17P, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978 ("the 1978 Act"). The Instrument is subject to negative resolution procedure.

Background

The NHS (Primary Medical Services Performers Lists)(Scotland) Regulations 2004 ("the 2004 Regulations") set out the arrangements whereby registered medical practitioners who wish to perform primary medical services as General Practitioners may apply for and gain admission to the performers list of any health board in whose area they wish to practice. The regulations specify the manner in which an application is to be made and the requirements which are placed on those who gain admission to a performers list. Medical practitioners may be disqualified from such lists by direction of the NHS Tribunal.

Policy Objectives

Generally, the Instrument makes consequential amendments to the 2004 Regulations to reflect the amendments which are being made to the procedures of the NHS Tribunal by the NHS (Tribunal)(Scotland) Amendment Regulations 2006.

At present the Tribunal may impose a local or national disqualification. In future all disqualifications will apply throughout Scotland and references to local or national disqualification are no longer necessary in the 2004 Regulations.

The Tribunal is being given a third ground of disqualification. In addition to inefficiency and fraud it will be able to disqualify a practitioner on grounds of unsuitability on grounds of professional or personal conduct and appropriate references are added throughout the 2004 Regulations to take account of this.

References to sections of the 1978 Act which are repealed by the Smoking, Health and Social Care (Scotland) Act 2005 ("the 2005 Act") are removed.

The Instrument also inserts a new regulation 7A so that health boards may impose conditions relating to the performance of personal medical services on any person whose name is on or is to be added to a performers list to give effect to any decision made by a corresponding authority in England, Wales or Northern Ireland. The health board may modify the conditions to ensure they take effect in Scotland after giving the practitioner written notice and the opportunity to make representations.

Consultation

The new provisions for the NHS Tribunal were themselves the subject of a wide ranging consultation exercise leading to the passage of the Smoking, Health and Social Care (Scotland) Act 2005 ("the 2005 Act") and the Scottish General Practitioners Committee is content with the changes to the rules for performers lists.

Financial Effects

The Instrument will have no financial effects. It alters slightly the procedures which are already being carried out by health boards to maintain the performers lists.

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