

THE NATIONAL HEALTH SERVICE (GENERAL MEDICAL SERVICES) REGULATIONS 1992

Schedule 2

Terms of Service for Doctors

Important Note

This copy of the NHS (General Medical Services) Regulations 1992 has been electronically reproduced from a version published March 1999 by the GPC secretariat, which was the 1996 consolidated version additionally incorporating seven further statutory instruments (SI).

Although the document has been checked for errors, it is intended only as a guide for members and constituents of the WMRLMC, and has no official status. For a statement of law, reference must be made to the appropriate statutory instrument.

A doctor's patients

4. (1) Subject to sub-paragraph (2) and to paragraphs 9, 10 and 11, a doctor's patients are:
- (a) persons who are recorded by the HA as being, on his list;
 - (b) persons whom he has accepted or agreed to accept on his list, whether or not notification of that acceptance has been received by the HA and who have not been notified to him by the HA as having, ceased to be on his list;
 - (c) for the limited period specified in sub-paragraph (4), persons whom he has refused to accept;
 - (d) persons who have been assigned to him under regulation .4 of the Choice of Medical Practitioner Regulations, [as amended by SI 1998 No 682 wef 1/4/98]
 - (e) for the limited period specified in sub-paragraph (5), persons in respect of whom he has been notified that an application has been made for assignment to him in a case to which regulation 4(4) of the Choice of Medical Practitioner Regulations. [as amended by SI 1998 No 682 wef 1/4/98] applies;
 - (f) persons whom he has accepted as temporary residents;
 - (g) in respect of services under paragraph 8, persons to whom he has agreed to provide those services;
 - (h) persons to whom he may be requested to give treatment which is immediately required owing to an accident or other emergency at any place in his practice area, provided that:

- (i) he is not, at time of the request, relieved of liability to give treatment under paragraph 5, and
- (ii) he is not, at the time of the request, relieved, under paragraph 19(2), of his obligation to give treatment personally, and
- (iii) he is available to provide such treatment,

and any persons by whom he is requested, and agrees, to give treatment which is immediately required owing to an accident or other emergency at any place in the -area of any HA in whose medical list he is included, provided there is no doctor who, at the time of the request, is under an obligation otherwise than under this head to give treatment to that person, or there is such a doctor but, after being requested to attend, he is unable to attend and give treatment immediately required (or if, in the case of a pilot doctor, more than one such doctor is under an obligation to give treatment, no such doctor practising from the premises to which the request was made is able to attend and give treatment); [as amended by SI 1998 No 682 wef 1/4/981

- (i) persons in relation to whom he is acting as deputy for another doctor under these terms of service;
- (j) during, the period of an appointment under regulation 25, persons whom he has been appointed to treat temporarily;
- (k) in respect of child health surveillance services, contraceptive services, maternity medical services, or minor surgery services persons for whom he has undertaken to provide such services;
- (l) during, the hours arranged with the HA, any person whose own doctor has been relieved of responsibility during, those hours under paragraph 18(2) [amended by SI 1996 No 702 wef 1/4/96] and for whom he has accepted responsibility; and
- (m) any person for whom he has accepted responsibility under an arrangement made under paragraph 18A(2)[amended by SI 1996 No 702 wef 1/4/96]

(2) Except in a case to which head (h), (i) or (o) of sub-paragraph (1) applies, no person shall be a patient for the purposes of that sub-paragraph if the doctor has been notified by the HA that he is no longer responsible for the treatment of that person.

- (3) Where a person applies to a doctor for treatment and claims to be on that doctor's list, but fails to produce his medical card on request and the doctor has reasonable doubts about that person's claim, the doctor shall give any necessary treatment and shall be entitled to demand and accept a fee accordingly under paragraph 38(f), subject to the provision for repayment contained in paragraph 39.
- (4) Where a doctor:
 - (a) refuses to accept for inclusion in his list a person who lives in his practice area and who is not included in the list of another doctor practising in that area; or
 - (b) refuses to accept as a temporary resident a person to whom regulation 7 of the Choice of Medical Practitioner Regulations (temporary residents). [as amended by SI 1998 No 682 wef 1/4/98] applies; or

- (c) has requested the removal with immediate effect of a person from his list in accordance with paragraph 9A,

he shall on request give that person any immediately necessary treatment until the expiry of the period of 14 days beginning. with the date when that person was refused acceptance (or, as the case may be, with the date when he requested the immediate removal of that person from his list), or until that person has been accepted by or assigned to another doctor, whichever occurs first.-[amended by SI 1994 No 633 wef 1/4/94]

- (5) Where the HA, has notified a doctor that it is applying for the Secretary of State's consent under regulation 4(4) of the Choice of Medical Practitioner Regulations [as amended by SI 1998 No 682 wef 1/4/98], the doctor shall give the person proposed for assignment any immediately necessary treatment until the -HA l has notified him that:

- (a) the Secretary of State has determined whether or not the person is to be assigned to that doctor; and
- (b) either the person has been accepted by, or assigned to, another doctor or another doctor has been notified that an application has been made, in a case to which regulation 0-4(4) of the Choice of Medical Practitioner Regulations., [as amended by SI 1998 No 682 wef 1/4/98] applies, to assign that person to him.

- 5. A doctor who is elderly or infirm or who has been exempted by the -HA - under regulation - 4(8) of the Choice of Medical Practitioner Regulations. [as amended by SI 1998 No 682 wef 1/4/98] from the liability to have persons assigned to him, may be relieved by the HA of any liability to give treatment which is immediately required owing to an accident or other emergency between 7 pm on weekdays and 8 [as amended by SI 1998 No 2838 wef 10/12/98] on the following morning and between 1 pm on Saturday and 8 [as amended by SI 1998 No 2838 wef 10/12/98] on the following Monday to persons who are neither:

- (a) on his list; nor
- (b) temporary residents for whom he is responsible; nor
- (c) accepted by him for the provision of maternity medical services.