

NATIONAL ASSEMBLY FOR WALES**LEGISLATION COMMITTEE REPORT****The National Health Service (General Medical Services)
Amendment (Wales) Regulations 2000**

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Background

The National Health Service (General Medical Services) Regulations 1992 regulate the terms on which doctors provide general medical services.

These Regulations have been amended for England so that –

- (a) A doctor's name may be removed from the medical list if he has been convicted of murder or has been convicted of a criminal offence and sentenced to a term of imprisonment of at least six months.
- (b) A doctor applying for nomination or approval for a practice vacancy has to give a declaration regarding criminal offences and professional misconduct, on the basis of which the Health Authority may decline approval or nomination.
- (c) In referring issues concerning medical practitioner vacancies to the Medical Practices Committee, a Health Authority must include in its Report details of the declaration referred to above.

The present Regulations provide for these amendments to have effect in Wales as well as England.

Standing Order 11.5

Having had the opportunity of looking at an early draft of these Regulations the Legal Advisers to the Committee were able to draw attention to a potential drafting defect in regulation 2 which, although not affecting the validity of the Regulations, would have been required to be

reported under SO 11.

This matter has now been corrected in the present draft, however, and there are thus no points in respect of which Committee needs to invite the Assembly to pay special attention, under SO 11.5.

General Observations

Explanatory Note

It is suggested that the Explanatory Note could be in a form more helpful to the user. The Note does seek to explain the amendments which have been made for England and which are now extended to Wales, but each paragraph refers first to the amending Regulations and only at the end does it identify the provision in the main Regulations which has been amended. It is considered that a clearer format could have been achieved along the following lines -

"The amendments which are extended to Wales are as follows –

Regulation 7 of the 1992 Regulations is amended so as to require a Health Authority to remove from its medical list any doctor convicted of murder or convicted of a criminal offence and sentenced to at least 6 months imprisonment.

Part III of Schedule 3 to the 1992 Regulations is amended by imposing a requirement etc"

Coming into force

The copy submitted to the Legislation Committee should have this date inserted both at the head of the Regulations and in regulation 1(1).

J H TURNBULL
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Legislation Committee

9 May 2000

Ref: LAD 01-01-082