

NATIONAL HEALTH SERVICE ACT 1977

DIRECTIONS TO STRATEGIC HEALTH AUTHORITIES CONCERNING GP REGISTRARS 2003

The Secretary of State, in exercise of powers conferred on him by section 17(1) of the National Health Service Act 1977(a), hereby gives the following Directions and in exercise of the powers conferred on him by Regulation 13(17) of the National Health Service (General Medical Services Supplementary List) Regulations 2001(b), makes the determination set out in Schedule 2:—

Application, commencement, interpretation and extent

1.—(1) These Directions are given to Strategic Health Authorities and shall come into force on 3rd November 2003.

(2) These Directions apply to England only.

(3) In these Directions—

“GP Registrar” means a doctor who is being trained in general practice by a GP Trainer with the approval of the Secretary of State;

“GP Trainer” means a doctor approved by the Joint Committee on Postgraduate Training for General Practice in accordance with regulation 7(1) of the National Health Service (Vocational Training for General Medical Practice) Regulations 1997(c);

“Old Directions” means the Directions to Health Authorities Concerning GP Registrars dated 13th August 2001; and

“relevant date” means the date these Directions come into force.

Directions

2.—(1) The exercise by a Strategic Health Authority of the function of providing for instruction of persons employed or contemplating employment in activities connected with health or welfare(d), shall, in respect of the instruction of GP Registrars, be limited in accordance with paragraphs (2) and (3).

(a) 1977 c.49. Section 17 was substituted by section 12 of the Health Act 1999 (c.8); and amended by the National Health Service Reform and Health Care Professions Act 2002 (c.17), Schedule 1, paragraph 7.

(b) S.I. 2001/3740, amended by S.I. 2002/848 and S.I. 2003/2644.

(c) S.I. 1997/2817, amended by S.I. 1998/669, regulation 2(3)(a).

(d) See section 63 of the Health Services and Public Health Act 1968. Section 63 was amended by the National Health Service Reorganisation Act 1973 (c.32), Schedule 4, paragraph 124 and Schedule 5; the National Health Service Act 1977 (c.49), Schedule 15, paragraph 45; the National Health Service (Scotland) Act 1978 (c.29), Schedule 16, paragraph 26(2); the Health Services Act 1980 (c.53), Schedule 1, paragraph 19(3); the Local Government Act 1985 (c.51), Schedule 17; S.I. 1985/89, article 6(1); the Health and Medicines Act 1988 (c.49), section 20 and Schedule 3; the Health Authorities Act 1995 (c.17), Schedule 1, paragraph 95 (which also added subsection (5A)); the National Health Service (Primary Care) Act 1997 (c.46), Schedule 1, paragraph 1(4); and by the Health Act 1999 (c.8), Schedule 4, paragraph 3. The functions of the Secretary of State under section 63(5A) are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by virtue of article 2(a) of and the entry for the Health Services and Public Health Act 1968 in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672. The function is exercisable by Strategic Health Authorities or Primary Care Trusts on behalf of the Secretary of State pursuant to the National Health Service (Functions of

(2) A Strategic Health Authority shall only exercise the function mentioned in paragraph (1) so as to distribute payments of grants, fees, travelling and other allowances, when authorised by the Secretary of State so to do, to those GP Trainers and GP Registrars whose names are notified to a Strategic Health Authority by the Secretary of State.

(3) The grants, fees, travelling and other allowances mentioned in paragraph (2) shall only be paid by a Strategic Health Authority in accordance with the rates and subject to the conditions contained in Schedule 1.

Revocation and transitional provision

3.—(1) The Directions to Health Authorities Concerning GP Registrars which came into force on 13th August 2001 are hereby revoked.

(2) Where a GP Registrar was in a GP Registrar post on or after 1st April 2003, and he was at that date entitled to receive a salary from a Strategic Health Authority pursuant to paragraph 2 of the Schedule to the old Directions, that Strategic Health Authority shall make a payment to him calculated in accordance with paragraph (3).

(3) The payment specified in paragraph (2) shall consist of —

(a) the allowance the GP Registrar would have received between 1st April 2003 and the relevant date (for the period within that time that the GP Registrar was in fact entitled to be paid by that Strategic Health Authority pursuant to paragraph 2 of the Schedule to the old Directions) had he been paid in accordance with paragraph 2 of Schedule 1 to these Directions; minus

(b) the allowance that the Strategic Health Authority actually paid to that GP Registrar during the period specified in sub-paragraph (a).

(4) Where a GP Registrar is absent due to sickness immediately before the relevant date, and that absence continues on or after that date, any payments made to that GP Registrar pursuant to paragraph 41 of the Schedule to the Old Directions shall be taken into account in calculating the GP Registrar's entitlement to payments during sickness absence pursuant to paragraph 41 of Schedule 1 to these Directions.

(5) Subject to paragraph (6), where the Secretary of State has—

(a) before the relevant date; or

(b) on or after the relevant date in relation to a matter referred to him before the relevant date, exercised his discretion pursuant to paragraph 41(b) of the Old Directions to permit payments to be made for a sickness absence in excess of three months, and payments are still being made pursuant to that decision on or after the relevant date, the Strategic Health Authority shall make payments to the GP Registrar in accordance with the decision of the Secretary of State.

(6) If, in relation to a GP Registrar falling within paragraph (5), the provisions of paragraph 41 of Schedule 1 to these Directions would afford to the GP Registrar a greater entitlement to pay during sickness absence, paragraph (5) shall not apply and paragraph (4) shall instead apply to that GP Registrar.

(7) Subject to paragraph (8), where the Secretary of State has—

(a) before the relevant date; or

(b) on or after the relevant date in relation to a matter referred to him before the relevant date, determined pursuant to paragraph 8(a) of the Schedule to the Old Directions the allowance to be paid to a particular GP Registrar, and the GP Registrar is still entitled to receive a GP Registrar's

allowance on or after the relevant date, the Strategic Health Authority shall continue to pay the GP Registrar in accordance with the determination of the Secretary of State.

(8) If, in relation to a GP Registrar falling within paragraph (7), the provisions of paragraph 2 of Schedule 1 to these Directions would entitle the GP Registrar to a higher allowance, the GP Registrar shall be paid an allowance in accordance with that paragraph from the relevant date.

Signed by authority of the Secretary of State for Health

October 2003

Department of Health
A member of the Senior Civil Service