

Medical (Group Practice Scheme) Act

Principal Act

Act. No. 1973-14	<i>Commencement</i>	2.7.1973
	<i>Assent</i>	23.5.1973

Amending enactment	Relevant current provisions	Commencement date
Act. 1974-35	ss. 2, 3(2), 4, 5(2)-(3), 9(2)	6.1.1975
1976-23	s. 5(3)	3.1.1977
1977-27	s. 5(3)	1.1.1978
1978-28	s. 5(3)	1.1.1979
1980-16	s. 5(3)	1.1.1981
		5.1.1981
1982-34	s. 5(3), Sch.	3.1.1983
1984-18	s. 5(3), Sch.	7.1.1985
1987-01	s. 5(3), Sch.	19.2.1987
1988-21	ss. 3(3), 5, Sch.	1.12.1988
1998-47	ss. 1-2, 11-22	26.11.1998
1999-22	s. 5(1)-(2)	5.7.1999
2007-17	s. 10	14.6.2007
2008-03	ss.11-22	15.5.2008 ¹
2013-27	ss. 2, 9A	28.11.2013
2023-08	ss. 2, 2A	16.2.2023

¹ *Commencement notice LN. 2008/038*

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AN ACT TO ESTABLISH A MEDICAL GROUP PRACTICE SCHEME AND TO MAKE PROVISIONS INCIDENTAL THERETO.

PART I
PRELIMINARY

Short title.

1. This Act may be cited as the Medical (Group Practice Scheme) Act.

Interpretation.

2. In this Act, unless the context otherwise requires,—

“dependant” means and includes, subject to section 2A –

- (a) the spouse of a registered person; and
- (b) the children of a registered person who are either under the age of 18 years and are not required to be registered under section 4(1) or who are over the age of 18 and undergoing full-time education;
- (c) any other person as the Minister for Medical and Health Services may, in his discretion, accept as being dependent on a registered person:

Provided that in the case of a registered person residing in Gibraltar under a permit of residence or a residence permit granted under the provisions of the Immigration Control Act, his dependants shall not be dependants for the purposes of this Act unless they reside in Gibraltar under a permit of residence or a residence permit;

“Director” has the meaning assigned to it by section 2(1) of the Social Security (Insurance) Act;

“registered person” means a person who is registered as a member of the Scheme under section 4;

“Scheme” means the Medical Group Practice Scheme established under section 3.

Dependants of university students.

2A. Persons described in paragraphs (a), (b) or (c) of section (2) are not dependants for the purposes of this Act by virtue of being dependants of a person enrolled at the University of Gibraltar on a full-time academic course who has been charged and paid the student health surcharge to the University of Gibraltar.

PART II**GROUP PRACTICE SCHEME: GENERAL PROVISIONS****Establishment of Scheme.**

3.(1) There is established a Medical Group Practice Scheme to which all registered persons shall belong.

(2) A registered person and his dependants shall be entitled to such benefits under the Scheme as may be prescribed by regulations.

(3) The Scheme shall be administered by the Gibraltar Health Authority.

Registration.

4.(1) There shall be registered as members of the Scheme every person who is insured under the Social Security (Employment Injuries Insurance) Act[†] or the Social Security (Insurance) Act[Ⓞ]

Provided that members of the permanent cadre of the Gibraltar Regiment shall not be registered unless regulations made under subsection (2) so provide.

(2) There may be registered as members of the Scheme such other persons as may be prescribed by regulations.

Contributions and fees.

5(1) For the purpose of providing the funds required by the Gibraltar Health Authority for the provision of medical services there shall be payable by and in respect of persons registered under section 4 weekly contributions and annual fees at the rates prescribed by regulations made under this Act.

(2) No contribution shall be payable in respect of an employee for any week during the whole or any part of which she is absent from work in exercise of her right to maternity leave under the Employment (Maternity and Health and Safety) Regulations 1996.

Method of payment of contributions.

6.(1) Except as may otherwise be prescribed by regulations an employer liable to pay a contribution in respect of a person employed by him shall, in the first instance, be liable to pay also, on behalf of and to the exclusion of that person, any contributions as an insured person

[†] 1952-10

[Ⓞ] 1955-14

payable by that person for the same contribution week, and for the purposes of this Act contributions paid by an employer on behalf of an insured person shall be deemed to be contributions by the insured person.

(2) Notwithstanding any contract to the contrary an employer shall not be entitled to deduct from the wages or other remuneration of a person employed by him, or otherwise to recover from such a person, the employer's contribution in respect of that person. An employer who deducts or attempts to deduct the whole or any part of the employer's contribution in respect of any person from his wages or other remuneration is guilty of an offence and is liable on summary conviction to a fine of £20.

(3) An employer shall be entitled, subject to and in accordance with regulations, to recover from an insured person the amount of any contribution paid or to be paid by him on behalf of that person, and, notwithstanding anything in any enactment, regulations under this section may authorize recovery by deduction from the insured person's wages or remuneration.

Application of Employment Injuries (Contributions) Regulations.

7. Save in so far as they are expressly varied by, or are inconsistent with, the provisions of this Act or any regulations made thereunder, the Employment Injuries (Contributions) Regulations shall apply in relation to contributions in respect of persons registered under section 4(1) as they apply in relation to contributions under the Social Security (Employment Injuries Insurance) Act.

Penalties.

8.(1) An employer of a person registered under section 4(1) who fails to pay any contribution which he is liable to pay under this Act is guilty of an offence and is liable on summary conviction to a fine of £20.

(2) A person who knowingly obtains or attempts to obtain for himself or for any dependant any benefits under the Scheme to which he or they are not entitled is guilty of an offence and is liable on summary conviction to a fine of £50.

Non-payment of fees.

9.(1) If any person registered under section 4(2) who is required to pay a fee under section 5(3) fails to pay such fee within fourteen days after it has become due, he shall cease to be a registered person and he and his dependants shall cease thereupon to be entitled to benefits under the Scheme.

(2) The Minister may in his discretion allow any person who has ceased to be registered under subsection (1) to re-register. Any such re-registration may, in the discretion of the Minister, be retrospective and, if it is retrospective it shall be conditional on the payment of all contributions due.

Civil proceedings to recover sums.

9A.(1) All sums due under this Act shall be recoverable as debts due to the Crown, and without prejudice to any other remedy may be recovered by the Director summarily as a civil debt.

(2) Notwithstanding section 65 of the Magistrates' Court Act or any other law to the contrary, proceedings for the summary recovery as civil debts of sums due under this Act may be brought at any time.

(3) Proceedings for the recovery as civil debts of sums due under this Act may be instituted by the Director or any person authorised by him in writing.

(4) If the employer, being a body corporate, fails to pay any sum which the employer has been ordered to pay under this Act, that sum, or such part thereof as remains unpaid, shall be a debt due jointly and severally from any directors of the body corporate.

Regulations.

10. The Government may make regulations for the carrying out of the purposes of this Act and without prejudice to the generality of the foregoing such regulations may provide for –

- (a) the benefits to which registered persons and their dependants are entitled and the fees, if any, to be paid therefor;
- (b) the form of identification to be issued to all persons entitled to benefits to enable them to obtain such benefits;
- (c) the method of payment of annual fees;
- (d) the classes of persons who shall be entitled to registration under section 4(2);
- (e) the classes of persons who shall be exempted from paying fees under section 5(3);
- (f) the form of application to be made by persons wishing to be registered under section 4(2);
- (g) providing that weekly contributions may be made by means of a single stamp which shall incorporate contributions payable under the Social Security (Employment injuries Insurance) Act or the Social Security (Insurance) Act or both;
- (h) the application of fees paid for benefits.

PART III

SCHEME PHARMACISTS

Scheme Pharmacists.

11. The Minister may make regulations providing for—
- (a) the establishment, regulation and operation of a Pharmacists Scheme for the Medical Group Practice Scheme;
 - (b) the terms and conditions of membership of the Scheme by registered pharmacies;
 - (c) penalties and sanctions for the breach of any term or condition of membership of the Scheme;
 - (d) the products and equipment to be used by Scheme Members in the course of their duties under the Scheme;
 - (e) fees;
 - (f) the pricing of medicinal products under the Scheme;
 - (g) the financial and other duties of Scheme Members; and
 - (h) generally, for regulating the good and efficient management of the Scheme.