

**MEDICAL (GROUP PRACTICE SCHEME) ACT**

**Principal Act**

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

Amending enactment	Relevant current provisions	Commencement date
Acts. 1974-35	ss. 2, 3(2), 4 5(2) and (3) and 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) and Sch.	3.1.1983
1984-18	s.5(3) and Sch.	7.1.1985
1987-01	s.5(3) and Sch.	19.2.1987
1988-21	ss.3(3) and 5 and Sch.	1.12.1988
1998-47	ss 1, 2, 11 to 22	26.11.1998

English sources  
None cited.

## ARRANGEMENT OF SECTIONS.

Section

**PART I**  
PRELIMINARY

1. Short title.
2. Interpretation.

**PART II**  
GROUP PRACTICE SCHEME: GENERAL PROVISIONS

3. Establishment of Scheme.
4. Registration.
5. Contributions and fees.
6. Method of payment of contributions.
7. Application of Employment Injuries (Contributions) Regulations.
8. Penalties.
9. Non-payment of fees.
10. Regulations.

**PART III**  
THE SCHEME PHARMACISTS BOARD*Administration*

11. Interpretation of Part.
12. Appointment of board.
13. Appointment of Secretary.
14. Personal interest.
15. Declaration.

*Procedure*

16. Quorum and procedure.
17. Power to request further particulars.
18. Power to summon witnesses.

*Miscellaneous*

19. Irregularity.
20. Form of Notices.
21. Service of notices etc.
22. Regulations.

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 include—

- (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;

“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.

## 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<sup>†</sup> or the Social Security (Insurance) Act<sup>Ⓞ</sup>

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. 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.

#### **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 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

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<sup>†</sup> 1952-10

<sup>Ⓞ</sup> 1955-14

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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.

## **Regulations.**

10. The Governor 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

#### THE SCHEME PHARMACISTS BOARD

##### *Administration.*

#### **Interpretation of Part**

11. In this Part and unless the context otherwise provides -

“applicant” means a person who has applied to the board to become a Scheme Member and “application” shall be construed accordingly;

“Scheme Member” means a registered pharmacist whose name is included in the Scheme Pharmacist list;

“Scheme Pharmacists List” means the list of applications granted by the board;

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“Scheme Pharmacists Board” means the board established under section 12 below, and “the board” shall be construed accordingly;

“Minister” means the minister with responsibility for health;

“party” means a party to any proceedings;

“proceedings” means any proceedings before the board; and

“Secretary” means the Secretary to the board, appointed under section 13.

## **Appointment of board**

12.(1) For the purpose of exercising such powers relating to -

- (a) applications;
- (b) the regulation of membership of the Scheme;
- (c) the general administration and regulation of the Scheme,

and other matters as are conferred on them by this Act or any legislation subsidiary hereto, there shall be a Scheme Pharmacists Board.

(2) Members of the board shall be appointed by the Minister by notice in the Gazette and shall hold office for a period of one year or for such other period of time as is specified in the notice of appointment.

(3) A member of the board shall not continue in office after he attains the age of seventy years.

(4) The validity of any proceedings of the board shall not be affected by a defect in the appointment of any member, or by a failure to observe the requirements of the last preceding subsection.

## **Appointment of Secretary**

13.(1) A Secretary to the board shall be appointed by the Minister by notice in the Gazette and shall hold office for such period of time as shall be specified in the notice of appointment.

(2) A person appointed under the preceding subsection shall act under the direction of the members of the board.

(3) A Secretary shall not continue in office after he has attained the age of seventy years.

**Personal interest**

14. No member of the board shall act as such in relation to any matter in which he has a personal interest, or is interested on behalf of another person, except with the express consent of the parties to the proceedings.

**Declaration**

15.(1) Every person who is appointed to be a member of the board or a Secretary to the board shall make a declaration in the following form;

“I, [name] do solemnly declare that I will act impartially and to the best of my ability execute the duties of my office; and that I will not disclose any information received by me in the execution of those duties except for the purposes of those duties or as may be required by law.”.

(2) A declaration made under the preceding subsection by a member of the board shall be made before another member of the board, or before the Chief Secretary to the Government of Gibraltar.

(3) Every person who is appointed to be a Secretary shall make the declaration before a member of the board.

(4) A declaration under this section shall be made as soon as may be after the first appointment to the office in question.

*Procedure***Quorum and procedure**

16.(1) The board may make rules regulating its own procedure.

(2) A quorum for meetings of the board shall comprise of three members.

(3) The members comprising a board shall decide which one of them shall preside at the hearing of proceedings before them.

(4) Proceedings before any board may be continued by any one or more of the members of the board if all the parties give their consent.

**Power to request further particulars**



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17.(1) The board may at any time before the determination of any matter before it give notice to any applicant, requiring him within a time specified in the notice –

- (a) to deliver to it such particulars as it may reasonably require for the purposes of determining the application; and
- (b) to make available for inspection by it, all such books, records, accounts or other documents in his possession or power as may be specified or described in the notice, being books, records, accounts or other documents which, in the opinion of the board, contain or may contain information relating to the subject matter of the application.

(2) The board may, at all reasonable times, inspect and take copies of, or extracts from, any particulars delivered under sub-paragraph (1)(a) above, or other documents made available for his inspection under sub-paragraph (1)(b) above.

(3) The board shall not grant any application in circumstance where the applicant has failed to comply with a notice served under this section.

## **Power to summon witnesses**

18.(1) The board may summon any person to appear before them and give evidence.

(2) The board may make such reasonable inferences as it sees fit, in respect of -

- (a) the neglect or refusal by a Scheme Member who, after being duly summoned, failed to appear before the board at the time and place appointed for that purpose; or
- (b) who appears, but refuses to be sworn; or
- (c) who refuses to answer without good cause questions concerning the matter under consideration.

## *Miscellaneous*

### **Irregularity**

19. Any irregularity resulting from any failure to comply with any provision of this Part or with any direction given by the board before the board has

reached its final determination shall not of itself render the proceedings void.

### **Form of Notices**

20. Every notice required by this Part shall be in writing unless the members of the board authorise it to be given orally.

### **Service of notices etc.**

21. Any notice or document required or authorised by this Part to be sent, delivered to or served on any person shall be duly sent, delivered or served by hand, by post or by facsimile transmission.

### **Regulations**

22.(1) The Minister may make regulations prescribing anything that needs to be prescribed, and making such further provision as appears to him necessary or expedient for the purposes of this Part.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations providing for -

- (a) applications to the board, and the criteria to be used by the board in granting applications;
- (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 the board and of Scheme Members; and
- (h) generally, for regulating the good and efficient management of the Scheme.