

## SCHEDULE

(introduced by section 8)

### MODIFICATION OF ENACTMENTS

#### *National Health Service (Scotland) Act 1978 (c. 29)*

- 1 (1) The 1978 Act is amended as follows.
- (2) In section 15(1)(a) (supply of goods and services to local authorities etc.)—
  - (a) in sub-paragraph (i), for “general medical,” substitute “primary medical services under a general medical services contract or”,
  - (b) in sub-paragraph (ii), for “personal medical services” substitute “primary medical services”.
- (3) In section 17D(2), after the definition of “section 28C arrangements” the word “and” is repealed.
- (4) Sections 17EA (services lists in relation to section 17C arrangements etc. for personal medical services) and 17EB (application for inclusion in list) are repealed.
- (5) Section 17F (right to choose medical practitioner in relation to primary medical services) is repealed.
- (6) In section 17I (making available by Scottish Ministers of accommodation for use in connection with section 17C arrangements), for “personal medical services” substitute “primary medical services”.
- (7) Sections 19 (arrangements etc. in relation to general medical services) to 23 (refusal of application: provision of services adequate) and 24A (liabilities and obligations in relation to deputies) to 24C (application for inclusion in supplementary list) are repealed.
- (8) In section 28(1) (persons authorised to provide pharmaceutical services), for “general medical services” substitute “primary medical services under Part 1”.
- (9) In section 28A(1) (remuneration for provision of Part II services), the words “general medical services,” are repealed.
- (10) In section 28B(6) (Part II remuneration: supplementary), for “sections 19(3) and” substitute “section”.
- (11) In section 28C(3) (indemnity cover)—
  - (a) in the definition of “list”, for “29” substitute “29(8)(b) to (e)”,
  - (b) in the definition of “Part II services”, the words “general medical services,” are repealed.
- (12) In section 29A (NHS Tribunal: supplementary), subsection (3A) is repealed.
- (13) In section 29B(2) (powers of NHS Tribunal)—
  - (a) in paragraph (a)—
    - (i) sub-paragraph (i) and the succeeding “and”, and
    - (ii) in sub-paragraph (ii), the words “in any other case,” are repealed,
  - (b) in paragraph (b), for sub-paragraphs (i) and (ii) substitute “in all lists within the same paragraph of section 29(8) as that list.”

*Status: This is the original version (as it was originally enacted).*

- (14) In section 35 (sale of medical practices)—
- (a) in subsection (1)—
    - (i) in paragraph (a) after “1972 or” insert “(prior to its repeal) section 19 of”,
    - (ii) in paragraph (b), at the end insert “(prior to the coming into force of section 2C)”,
    - (iii) after that paragraph insert “or
      - (c) provided or performed primary medical services in accordance with section 17C arrangements or arrangements under section 2C(2) or under a general medical services contract—
        - (i) in prescribed circumstances; or
        - (ii) if regulations so provide, in all circumstances,”
  - (b) in subsection (2), in the definition of “relevant area”—
    - (i) after “by arrangement” insert “or contract”,
    - (ii) for paragraphs (a) and (b) substitute “provided or performed services as specified in subsection (1)”.
- (15) Section 40(2) (vaccination and immunisation) is repealed.
- (16) In section 85AA (means of meeting expenditure of Health Boards out of public funds), in subsection (4)—
- (a) in paragraph (a)(ii), for “to (d)” substitute “or (c)”,
  - (b) paragraph (d) is repealed.
- (17) In section 108 (interpretation)—
- (a) after the definition of “functions”, insert—
    - ““general medical services contract” has the meaning given in section 17J(2);”,
  - (b) the definitions of “medical list” and “personal medical services” are repealed,
  - (c) after the definition of “prescribed” insert—
    - ““primary medical services” is to be construed in accordance with section 2C(5);”,
  - (d) the definitions of “services list” and “supplementary list” are repealed.

*National Health Service (Primary Care) Act 1997 (c. 46)*

- 2 (1) The National Health Service (Primary Care) Act 1997 is amended as follows.
- (2) In section 1 (pilot schemes)—
- (a) subsection (1)(a) and the succeeding “or” are repealed,
  - (b) in subsection (2), the words from “personal medical services”, where they first occur, to “services or” are repealed,
  - (c) in subsection (3)—
    - (i) in paragraph (a), the words “personal medical services or” are repealed,

---

*Status: This is the original version (as it was originally enacted).*

---

- (ii) in paragraph (b), after “which” insert “(not being primary medical services)”;
  - (d) in subsection (5), paragraph (a) is repealed,
  - (e) in subsection (8), for the definition of “personal medical services” substitute—
    - ““primary medical services” has the same meaning as for the purposes of Part I of the 1978 Act;”.
- (3) Section 2 (pilot schemes for provision of personal medical services) is repealed.
  - (4) In section 5 (approval of pilot schemes for provision of personal medical services etc.), subsections (4) and (7) are repealed.
  - (5) Sections 11 to 13 (medical practitioners to be suitably experienced and lists) and 15 (liabilities and obligations in relation to deputies) are repealed.
  - (6) Section 23(2) (right to choose medical practitioner in relation to primary medical services) is repealed.
  - (7) Section 33 (medical lists and vacancies for medical practitioners) is repealed.
  - (8) In section 40(2) (interpretation), the definitions of “medical list” and “personal medical services” are repealed.
  - (9) Schedule 1 (preferential treatment on transferring to medical lists) is repealed.
  - (10) In Schedule 2 (amendments of enactments)—
    - (a) paragraphs 37 and 39 to 41 are repealed,
    - (b) paragraph 57, in so far as providing for a definition of “personal medical services”, is repealed.

#### *Community Care and Health (Scotland) Act 2002 (asp 5)*

- 3 (1) The Community Care and Health (Scotland) Act 2002 is amended as follows.
- (2) Section 18 (services lists and supplementary lists) is repealed.
- (3) In schedule 2 (amendment of enactments), in paragraph 2—
  - (a) sub-paragraph (3) is repealed,
  - (b) sub-paragraph (12), in so far as providing for a definition of “medical list”, is repealed.

#### *Scottish Public Services Ombudsman Act 2002 (asp 11)*

- 4 (1) The Scottish Public Services Ombudsman Act 2002 is amended as follows.
- (2) In schedule 2 (listed authorities), in paragraph 5—
  - (a) for sub-paragraph (a) substitute—
    - “(a) a person (whether an individual or a body) providing primary medical services under a general medical services contract (within the meaning of the National Health Service (Scotland) Act 1978) or general dental services under Part II of that Act,”

---

*Status: This is the original version (as it was originally enacted).*

---

- (b) in sub-paragraph (c), for “personal medical services” substitute “primary medical services”.
- (3) In schedule 4 (matters which Ombudsman must not investigate), in paragraph 14, for “19” substitute “17P”.

*Freedom of Information (Scotland) Act 2002 (asp 13)*

- 5 In Part 4 (The National Health Service) of schedule 1 (Scottish public authorities) to the Freedom of Information (Scotland) Act 2002—
  - (a) in paragraph 33—
    - (i) for “general medical services,” substitute “primary medical services under a general medical services contract (within the meaning of the National Health Service (Scotland) Act 1978) or”,
    - (ii) for “the National Health Service (Scotland) Act 1978” substitute “that Act”,
  - (b) in paragraph 34, for “personal medical services” substitute “primary medical services”.