SCOTTISH STATUTORY INSTRUMENTS

2004 No. 163

The General Medical Services and Section 17C Agreements (Transitional and other Ancillary Provisions) (Scotland) Order 2004

PART 5

TRANSITIONAL PROVISIONS RELATING TO THE CHOICE REGULATIONS

Assignment of patients

60. Where, on 31st March 2004, a person had applied to a Health Board for assignment to a medical practitioner under regulation 4 of the Choice Regulations(**1**) but that application had not yet been determined, the Health Board shall–

(a) require a provider to assign the person to a medical practitioner who performs personal medical services under a transitional agreement in accordance with article 55(1) or a person who is a party to a section 17C agreement;

(b) assign the patient in accordance with the terms of the contract, to–

(i) a default contractor; or

(ii) a general medical services contractor;

(c) otherwise make arrangements for the applicant to be provided with essential services (or their equivalent) in the area of the Health Board.

Representations against assignments

61.—(1) Where, on 31st March 2004, a Health Board had assigned a patient to a relevant medical practitioner under regulation 4 of the Choice Regulations but the seven days for the medical practitioner to make representations against that assignment in regulation 6(1) of those Regulations had not yet expired, the succeeding contractor shall be entitled to make representations to the Health Board in writing against that assignment within the period of seven days beginning on the day on which the relevant medical practitioner received notice of the assignment under regulation 4 of the Choice Regulations, as if regulation 6 of the Choice Regulations were still in force.

(2) Where, on 31st March 2004, a Health Board had required a pilot scheme provider or a section 17C provider to assign a patient under regulation 4(2)(b) or (c) of the Choice Regulations but the seven days for the medical practitioner to make representations against that requirement to assign in regulation 6(2) of those Regulations had not yet expired, that section 17C provider or the section 17C provider who is a party to the section 17C agreement which has succeeded the pilot scheme, shall be entitled to make representations to the Health Board in writing against that requirement to assign within the period of seven days beginning on the day on which the pilot scheme provider received notice of the requirement under regulation 4 of the Choice Regulations, as if regulation 6 of the Choice Regulations were still in force.

(**1**) Regulation 4 was amended by S.S.I. 2000/191 and S.S.I. 2001/85.

(3) Where representations are made to a Health Board under paragraphs (1) or (2), the Health Board shall deal with those representations in accordance with regulation 6 of the Choice Regulations as if those Regulations were still in force and shall, on or before 30th April 2004, either confirm or revise its decision to assign the patient.

(4) In this article "relevant medical practitioner" and "succeeding contractor" have the meaning given in article 2(3).