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SCOTTISH STATUTORY INSTRUMENTS

2004 No. 216

NATIONAL HEALTH SERVICE

The National Health Service (Primary Medical Services Performers Lists) (Scotland) Amendment Regulations 2004

<i>Made</i>	- - - -	<i>13th May 2004</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>14th May 2004</i>
<i>Coming into force</i>	- -	<i>7th June 2004</i>

The Scottish Ministers, in exercise of the powers conferred by sections 17P, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the National Health Service (Primary Medical Services Performers Lists) (Scotland) Amendment Regulations 2004 and shall come into force on 7th June 2004.

Amendment of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004

2.—(1) The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004(2) shall be amended as provided in this regulation.

(2) In regulation 7(5) (decisions and grounds for refusal and deferral) for “paragraph (3)” substitute “paragraph (4)”.

(3) In regulation 10 (removal from the primary medical services performers list of medical practitioners not performing primary medical services)–

(1) 1978 c. 29. Section 17P was inserted by the [Primary Medical Services \(Scotland\) Act 2004 \(asp 1\)](#), section 5(2) and is extended by the Health and Medicines Act 1988 (c. 49), section 17 as amended by S.S.I. 2004/167; section 105(7) was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 5 and Schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24 and the Health Act 1999 (c. 8), Schedule 4, paragraph 60; section 108(1) defines “prescribed” and “regulations”. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) S.S.I. 2004/114.

- (a) in paragraphs (1) and (2)(a) for “service” substitute “services”; and
 - (b) in paragraph (7) for “medical practitioner” substitute “performer”.
- (4) In regulation 11 (re-inclusion in a primary medical services performers list)–
- (a) for “performer's” substitute “performers”; and
 - (b) for “practitioner” substitute “person”.
- (5) In sub-paragraph (c) of paragraph (3) and sub-paragraph (j) of paragraph (8) of regulation 14 (disclosure of information) omit “that” in the second place where it occurs in each of those sub-paragraphs.
- (6) In Schedule 1–
- (a) in paragraph 2(b) before “register of medical practitioners” insert “the”;
 - (b) in paragraph 3–
 - (i) in sub-paragraph (b)(iii) omit “in” in the first place where it occurs; and
 - (ii) in sub-paragraph (d)(ii) before “78” insert “paragraph”.

St. Andrew’s House, Edinburgh
13th May 2004

MALCOLM CHISHOLM
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 (“the principal Regulations”) which provide for lists of general medical practitioners, performing primary medical services which Health Boards are under a duty to provide or secure the provision of, to be kept by those Health Boards.

These Regulations:–

- (a) correct a reference in the principal Regulations to the deferral of a determination under regulation 7(3) of the principal Regulations which should refer to such a deferral under regulation 7(4) of those Regulations (regulation 2(2));
- (b) clarify that references to a “medical practitioner” in regulation 10(7), and to a “practitioner” in regulation 11, of the principal Regulations are references to a “performer” and a “person” respectively (regulation 2(3)(b) and (4)(b)); and
- (c) correct minor drafting errors in the principal Regulations (regulation 2(3)(a), (4)(a), (5) and (6)).