

2003 No. 63

SOCIAL CARE

**The Community Care and Health (Scotland) Act 2002
(Transitional Provisions) Order 2003**

Made 5th February 2003

Laid before the Scottish Parliament 6th February 2003

Coming into force 28th February 2003

The Scottish Ministers, in exercise of the powers conferred by section 24 of the Community Care and Health (Scotland) Act 2002^(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation commencement and interpretation

1.—(1) This Order may be cited as the Community Care and Health (Scotland) Act 2002 (Transitional Provisions) Order 2003 and comes into force on 31st May 2003.

(2) In this Order—

“general medical services” has the meaning assigned to it by section 19(1) of the 1978 Act;

“Health Board” means a board constituted by order made under section 2(1)(a) of the 1978 Act; and

“supplementary list” has the meaning assigned to it by section 24B(2) of the 1978 Act^(b).

Transitional provision

2. Despite the coming into force of section 18(2) of the Community Care and Health (Scotland) Act 2002 so far as it inserts section 24B(3) in the 1978 Act^(c) where a medical practitioner, whose name is not included in the medical list of a Health Board—

(a) was on 30th May 2003, assisting in the provision of general medical services in the Health Board’s area, and

^(a) 2002 (asp 5).

^(b) Section 24B(2) inserted by section 18(2) of the Community Care and Health (Scotland) Act 2002.

^(c) Brought into force by S.S.I. 2003/62.

(b) had, on or before that date, applied for inclusion in the Health Board's supplementary list but that application was not, on or before 30th May 2003, determined by the Board, that practitioner may continue to assist in the provision of those services until—

- (i) the application is determined, or
- (ii) 1st August 2003,

whichever is the earlier.

St Andrew's House,
Edinburgh
5th February 2003

MALCOLM CHISHOLM
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes transitional provisions considered necessary in consequence of the coming into force of section 18(2) of the Community Care and Health (Scotland) Act 2002 so far as it inserts section 24B(3) in the National Health Service (Scotland) Act 1978.

The effect of the commencement of that provision will be that the name of any medical practitioner who assists in the provision of general medical services in a health board's area must (unless the practitioner's name is on the medical list of the health board) be included in the health board's supplementary list with effect from 31st May 2003.

This Order makes transitional provision to allow a practitioner whose name is not included in either such list but who

- (a) on 30th May 2003 was assisting in the provision of such services and
- (b) had applied on or before that date for inclusion of his name in the supplementary list of health board but that application had not been determined,

to continue to assist in the provision of those services until either

- (i) the application is determined, or
- (ii) 1st August 2003,

whichever is the earlier date.

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