
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 116

**The National Health Service (Primary Medical Services
Section 17C Agreements) (Scotland) Regulations 2004**

PART 5

PROVISION OF PRIMARY MEDICAL SERVICES

Provision of primary medical services

9.—(1) Whether or not the agreement includes arrangements for the provision of services which are not primary medical services, an agreement must include arrangements for the provision of one or more of the following primary medical services:—

- (a) essential services;
- (b) additional services;
- (c) enhanced services;
- (d) out of hours services, in respect of, subject to regulation 26 and paragraph 3 of Schedule 4, part or all of the out of hours period and some or all services.

Primary medical services and content of agreements

10.—(1) An agreement shall contain terms which have the same effect as those specified in Schedule 1 (content of agreements), unless it is of a type or nature to which a particular provision does not apply, except paragraphs 56(5) to (15), and 57.

(2) The paragraphs specified in paragraph (1) shall have effect in relation to matters set out in those paragraphs.

Essential services and content of agreements

11.—(1) An agreement which includes the provision of essential services shall specify—

- (a) the area as respects which persons resident in it will, subject to any other terms of the agreement relating to patient registration, be entitled to—
 - (i) register with the provider; or
 - (ii) seek acceptance by the provider as a temporary resident; and
- (b) whether, at the date on which the agreement comes into force, the provider's list of patients is open or closed.

(2) Where, in accordance with sub-paragraph (1), the agreement specifies that the provider's list of patients is closed it must also specify in relation to that closure each of the items listed in paragraph 22(8)(a) to (d) of Schedule 2 (agreements to provide essential services).

(3) An agreement which includes the provision of essential services shall, in addition to any other terms required by these Regulations, unless it is of a type or nature to which a particular provision

does not apply contain terms with the same effect as those specified in Schedule 2, except paragraphs 23(6) to (8) and 28(3).

(4) The paragraphs specified in paragraph (3) shall have effect in relation to matters set out in those paragraphs.

(5) An agreement which does not include the provision of essential services shall not specify the matters referred to in paragraph (1) nor contain terms with the same effect as those specified in Schedule 2.

Additional services and content of agreements

12. An agreement which includes the provision of additional services must, in addition to any other terms required by these Regulation—

- (a) in relation to all such services included in the agreement, contain a provision which has the same effect as that specified in paragraph 1 of Schedule 3;
- (b) in relation to each such service included in the agreement, contain provisions which have the same effect as those specified in Schedule 3, which are relevant to that service.

Out of hours services and content of agreements

13. An agreement which includes the provision of out of hours services by virtue of this regulation or regulation 26 must, in addition to any other terms required by these Regulations, unless it is of a type or nature to which a particular provision does not apply, contain terms with the same effect as those specified in Schedule 4.