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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 142**

**The General Medical Services (Transitional and  
Other Ancillary Provisions) (Scotland) Order 2004**

**PART 5**

**CONTRACT TERMS**

**Additional services in GMS contracts under article 8 or 10**

**17.**—(1) A GMS contract which is entered into with a person who is entitled to enter into such a contract under article 8 or 10 must, subject to any right to opt out of such services included in the contract pursuant to regulation 17 of the 2004 Regulations, provide for the GMS contractor to provide in core hours to—

- (a) the GMS contractor's registered patients; and
- (b) persons accepted by it as temporary residents,

such of the additional services as are equivalent to the services specified in paragraph (2), unless, prior to the signing of the contract, the Health Board which is a prospective party to the contract has accepted in writing a written request from the GMS contractor that the GMS contract should not require it to provide all or any of those additional services.

(2) The services referred to in paragraph (1) are—

- (a) the services which were specified in the notice of the vacancy published under regulation 11(2) of the 1995 Regulations<sup>(1)</sup>; or
- (b) in a case in which the services required were not so specified, the services which the medical practitioner whose death or withdrawal or removal from the Health Boards medical list led to the declaration of the vacancy was providing to that practitioner's patients immediately prior to the practitioner's death or withdrawal or removal from the list.

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(1) Regulation 11 was amended by [S.S.I. 1999/54](#).