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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 6**

**FINANCIAL ARRANGEMENTS**

**Part payment of periodic payments where a contractor does not enter into a GMS contract**

**38.** If a contractor does not enter into a GMS contract which takes effect immediately after its default contract ceases to have effect, and—

- (a) its default contract terminates on a day other than the last day of a month, the Health Board must pay to the contractor a proportion of any payment that would have been payable to the contractor under—

(i) article 36(2); or

- (ii) article 36(5) to (7), in the case of periodic payments under article 36(5) to (7) that fall due monthly,

had the contract terminated on the last day of a month, and that proportion is to be calculated by multiplying that payment by the fraction produced by dividing the number of days in the month during which the contractor was providing services under the default contract by the total number of days in the month;

- (b) its default contract terminates on any day other than the last day of a quarter of the financial year, the Health Board must pay to the contractor a proportion of any payment that would have been payable to the contractor under—

(i) article 36(4); or

- (ii) article 36(5) to (7), in the case of periodic payments under article 36(5) to (7) that fall due quarterly,

had the contract terminated on the last day of a quarter of the financial year, and that proportion is to be calculated by multiplying that payment by the fraction produced by dividing the number of days in the quarter during which the contractor was providing services under the default contract by the total number of days in the quarter.