

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2004 No. 142**

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

**PART 2**

**ENTITLEMENT TO ENTER INTO GMS CONTRACTS**

**Entitlement to a GMS contract of persons selected under regulation 11 of the 1995 Regulations**

**8.—(1)** This article applies where—

- (a) before 1st April 2004, a Health Board has selected an applicant (“the selected applicant”) for a vacancy (whether in the case where the applicant is the only one for the vacancy or as mentioned in regulation 11(4) of the 1995 Regulations or upon reconsideration following an appeal); but
- (b) the application has not been determined by the Medical Practices Committee before that date under regulation 14(2) of those Regulations.

(2) The selected applicant shall (unless another person, who was not selected for that vacancy, was selected upon reconsideration by the Health Board following a successful appeal under article 9)—

- (a) be added to the primary medical services performers list of that Health Board; and
- (b) subject to paragraph (3), be entitled to enter into a GMS contract as an individual medical practitioner or as a partner in a partnership from—
  - (i) 1st April 2004;
  - (ii) the expiry of the period for bringing an appeal pursuant to article 9;
  - (iii) the final determination or withdrawal of any appeal dealt with under article 9; or
  - (iv) if an appeal referred to in paragraph (iii) is successful, the notification of the determination of the Health Board following its reconsideration of the application pursuant to article 9,

whichever is the later.

(3) A person who is entitled to enter into a GMS contract under paragraph (2) shall, subject to article 12, only continue to be so entitled—

- (a) until 30th June 2004; or
- (b) in a case where an appeal falls to be dealt with under article 9, until the end of the period of six weeks after the final determination or withdrawal of that appeal or, if the appeal is successful, the notification of the determination of the Health Board following its reconsideration of the application pursuant to article 9; or
- (c) in a case where either party has, before the end of the period referred to in sub paragraph (a) or (b), referred the terms of the GMS contract to the Scottish Ministers to consider and determine under regulation 9 of the 2004 Regulations but that dispute has not been

---

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

---

determined or withdrawn, the end of the period of 28 days from the date on which the parties were notified of the determination of that dispute or the dispute was withdrawn, unless article 11 applies.