
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 163

**The General Medical Services and Section
17C Agreements (Transitional and other
Ancillary Provisions) (Scotland) Order 2004**

PART 2

**TRANSITIONAL PROVISIONS RELATING
TO GENERAL MEDICAL SERVICES**

Application and interpretation of this Part

2.—(1) In this Part—

- (a) articles 3 to 26 apply to a default contract, or a general medical services contract entered into on 1st April 2004, with—
 - (i) an individual medical practitioner who has entered into the general medical services contract pursuant to an entitlement under article 3 of the Transitional Order or the default contract pursuant to article 13 of that Order;
 - (ii) a partnership which has entered into the general medical services contract pursuant to an entitlement under article 4 of that Order or the default contract pursuant to an entitlement under article 13 of that Order; or
 - (iii) a company in which one or more of the legal and beneficial shareholders is, on 31st March 2004, providing services under section 19 of the 1978 Act;
- (b) articles 27 and 28 apply to the contracts specified in sub-paragraph (a) and to a general medical services contract which takes effect immediately after a default contract with the same parties ceases to have effect; and
- (c) article 29 applies to all general medical services contracts and default contracts entered into before 1st April 2005.

(2) Unless it is entered into with a person to whom the particular article does not apply, a general medical services contract or a default contract which falls within paragraph (1) shall include, or be deemed to include, terms which have the effect specified in articles 3 to 29.

(3) In this Part—

“relevant medical practitioner” means a medical practitioner who, on 31st March 2004, is providing services under section 19 of the 1978 Act and—

- (a) as an individual medical practitioner has entered into—
 - (i) a default contract; or
 - (ii) a general medical services contract under which services are to be provided from 1st April 2004;
- (b) is a partner in a partnership that has entered into—

- (i) a default contract; or
- (ii) a general medical services contract under which services are to be provided from 1st April; or
- (c) is a legal and beneficial shareholder in a company which has entered into a general medical services contract under which services are to be provided from 1st April 2004; “succeeding contractor” means the default contractor which is a party to the default contract or the general medical services contractor which is a party to the general medical services contract which—
 - (a) a relevant medical practitioner has entered into as an individual medical practitioner;
 - (b) has been entered into by a partnership in which the relevant medical practitioner is a partner; or
 - (c) has been entered into by a company in which a relevant medical practitioner is a legal and beneficial shareholder.