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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 163**

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

**PART 9**

**MISCELLANEOUS**

**Continuing validity of forms**

**94.** Notwithstanding the amendment made by paragraphs 1(3) and 5 of Schedule 1 of the General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004(1) to the form of certificate set out in Part 2 of Schedule 2 to the Social Security (Medical Evidence) Regulations 1976(2) and in Part 2 of the Schedule to the Statutory Maternity Pay (Medical Evidence) Regulations 1987(3), a form which complies with those regulations as in force on 31st March 2004 shall continue to be valid.

**Transitory interpretation of references in enactments to primary medical services**

**95.** For so long as default contracts entered into pursuant to article 13 of the Transitional Order continue to exist, a reference in any enactment to primary medical services under the 1978 Act shall be deemed to include a reference to services provided under such contracts.

**Transitory interpretation of references to general medical services contracts**

**96.—(1)** For as long as default contracts entered into pursuant to article 13 of the Transitional Order continue to exist, any reference to a general medical services contract or to a contract under section 17J of the 1978 Act(4) in the enactments listed in paragraph (2) shall be deemed to include a reference to a default contract.

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

- (a) the 1978 Act, sections 15(1)(a)(5) and 35(1)(c)(6);
- (b) the Access to Health Records Act 1990(7), section 1(2)(a);

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(1) [S.I. 2004/865](#).

(2) [S.I. 1976/615](#); Part 2 of Schedule 2 was amended by [S.I. 1991/2284](#), [S.I. 2001/2931](#) and [S.I. 2002/2469](#).

(3) [S.I. 1987/235](#); Relevant amending instruments are [S.I. 2001/2931](#) and [S.I. 2002/2469](#).

(4) Section 17J was inserted by the 2004 Act, section 4.

(5) Relevant amendments to section 15(1)(a) were made by the National Health Service (Primary Care) Act 1997 c. 46 (“the 1997 Act”), Schedule 2, paragraph 35 and by the 2004 Act, Schedule, paragraph 1(2).

(6) Section 35 was substituted by the 1997 Act, section 34(2) and amended by the 2004 Act, Schedule, paragraph 1(14).

(7) [1990 c. 23](#). Section 1(2)(a) was substituted by the Health and Social Care (Community Health and Standards) Act 2003 (“the 2003 Act”), Schedule 11, paragraph 57(2) and the Primary Medical Services (Scotland) Act 2004 (Modification of Enactments) Order 2004 [S.S.I. 2004/167](#).

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

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- (c) the Trade Union and Labour Relations (Consolidation) Act 1992(8), section 279(3)(b); and
- (d) the Employment Rights Act 1996(9), section 43K(1)(bb).

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(8) 1992 c. 52. Relevant amendments were made by the 2003 Act, Schedule 11, paragraph 59(4) and the Primary Medical Services (Scotland) Act 2004 (Consequential Modifications) Order 2004 S.I. 2004/957.

(9) 1996 c. 18. Section 43K was inserted by the Public Interest Disclosure Act 1998 (c. 23 ), section 1 and subsection (1)(ba) was inserted by the 2003 Act, Schedule 11, paragraph 65(2) and paragraph (bb) was inserted by the Primary Medical Services (Scotland) Act 2004 (Consequential Modifications) Order 2004 S.I. 2004/957.