
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 30

NATIONAL HEALTH SERVICE

**The Primary Medical Services (Scotland) Act
2004 (Modification of the National Health
Service (Scotland) Act 1978) Order 2006**

Made - - - - *24th January 2006*

Coming into force - - *1st February 2006*

The Scottish Ministers, in exercise of the powers conferred by section 7(1) and (2) of the Primary Medical Services (Scotland) Act 2004⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Order, a draft of which has, in accordance with section 7(5) of that Act, been laid before and approved by resolution of the Scottish Parliament:

Citation and commencement

1. This Order may be cited as the Primary Medical Services (Scotland) Act 2004 (Modification of the National Health Service (Scotland) Act 1978) Order 2006 and shall come into force on 1st February 2006.

Modification of the National Health Service (Scotland) Act 1978

2.—(1) The National Health Service (Scotland) Act 1978⁽²⁾ is modified as follows.

(2) In section 17D (persons with whom agreements may be made)⁽³⁾—

(a) in subsection (1)(b)—

(i) in sub-paragraph (iv) for “individual who is providing general medical services in accordance with Article 56 of the 1972 Order” substitute “Article 57 contract”; and

(ii) in sub-paragraph (v) for first “arrangements or” substitute “arrangements,” and omit “personal medical services in accordance with”; and

(b) in subsection (2) after the definition of “Article 15B employee” insert—

““Article 57 contract” means a general medical services contract under Article 57 of the 1972 Order;”.

(1) 2004 asp 1 (“the 2004 Act”).

(2) 1978 (c. 29).

(3) Section 17D was inserted by the National Health Service (Primary Care) Act 1997 (c. 46) (“the 1997 Act”), section 21(2) and amended by the 2004 Act, section 2.

- (3) In section 17L (eligibility to be a contractor under a general medical services contract)(4)–
- (a) in subsection (2)(c)–
 - (i) in sub-paragraph (vi) for “general medical services in accordance with Article 56 of the 1972 Order” substitute “an Article 57 contract”; and
 - (ii) in sub-paragraph (vii) for first “arrangements or” substitute “arrangements,” and omit “personal medical services in accordance with”; and
 - (b) in subsection (5) after ““Article 15B employee”,” insert ““Article 57 contract”,”.
- (4) In section 36(2) (accommodation and services) omit “general medical,”.
- (5) In section 64 (permission for use of facilities in private practice)(5)–
- (a) before subsection (5)(a) insert–
 - “(za) persons providing primary medical services; and”; and
 - (b) in subsection (6)(a) for “Part II” substitute “this Act”.
- (6) In Schedule 9 (additional provisions as to prohibition of sale of medical practices)(6)–
- (a) in paragraph 1(2) (prohibition, and certificate of Practices Committee) for “practitioners of the medical practice for the provision by them of general medical services” substitute “person, under which, or in accordance with which, services as specified in section 35(1) are provided or performed,”; and
 - (b) in paragraph 3 (carried-over goodwill) for “general medical services or personal medical services” substitute “or performed services as specified in section 35(1)”.

St Andrew’s House,
Edinburgh
24th January 2006

ANDREW P KERR
A member of the Scottish Executive

(4) Section 17L was inserted by the 2004 Act, section 4.
(5) Section 64 was amended by the Health and Social Security Act 1984 (c. 48), Schedule 8, Part I.
(6) Schedule 9, paragraph 1(2) was amended by the 1997 Act, Schedule 2, Part I, paragraph 59(2) to (4) and Schedule 3, Part I and the [Public Appointments and Public Bodies etc. \(Scotland\) Act 2003 \(asp 4\)](#), schedule 4, paragraph 5(18); paragraph 3 was inserted by the 1997 Act, Schedule 2, Part I, paragraph 59(10).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes modifications to the National Health Service (Scotland) Act 1978 (“the 1978 Act”). These modifications are for the purposes, or in consequence, of the Primary Medical Services (Scotland) Act 2004 (“the 2004 Act”) and include modifications in consequence of changes to the law applicable to Northern Ireland by the Primary Medical Services (Northern Ireland) Order 2004 corresponding to the changes made to the 1978 Act by the 2004 Act.

Article 1 of the Order provides that the modifications will have effect from 1st February 2006.

The modifications are set out in article 2 of the Order.