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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 9**

**The National Health Service (General Medical Services Contracts) (Scotland) Amendment Regulations 2012**

**Citation and commencement**

1. These regulations may be cited as the National Health Service (General Medical Services Contracts) (Scotland) Amendment Regulations 2012 and come into force on 26th February 2012.

**Amendment of the 2004 Regulations**

2.—(1) Schedule 5 (other contractual terms) to the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004<sup>(1)</sup> is amended as follows.

(2) For paragraph 99A (termination by the Health Board for breach of conditions for contracts entered into on or after 22nd December 2010) substitute—

“99A.—(1) This paragraph applies to contracts entered into on or after 22nd December 2010.

(2) The Health Board must serve notice in writing on the contractor terminating the contract with immediate effect where the contractor is an individual medical practitioner but is no longer a general medical practitioner.

(3) Sub-paragraph (4) applies where the contractor is—

- (a) a partnership and either of the conditions specified in regulation 4(2)(a) and (b) is no longer satisfied;
- (b) a limited liability partnership and either of the conditions specified in regulation 4(3)(a) and (b) is no longer satisfied; or
- (c) a company and either of the conditions specified in regulation 4(4)(a) and (b) is no longer satisfied.

(4) Where this sub-paragraph applies, the Health Board must—

- (a) serve notice in writing on the contractor terminating the contract with immediate effect; or
- (b) serve notice in writing on the contractor confirming that the Health Board will allow the contract to continue, for a period specified by the Health Board of up to six months (“the interim period”).

(5) Before deciding which of the options in sub-paragraph (4) to pursue, the Health Board must consult the area medical committee for its area where it is reasonably practicable to do so.

(6) During the interim period under sub-paragraph (4)(b) the Health Board must, with the consent of the contractor, employ or supply one or more general medical practitioners to the contractor to assist in the provision of clinical services under the contract.

- (7) If the contractor—
- (a) does not consent to the Health Board employing or supplying a general medical practitioner during the interim period; or
  - (b) still falls within sub-paragraph (3)(a), (b) or (c) at the end of the interim period, the Health Board must serve notice in writing on the contractor terminating the contract with immediate effect.”.
- (3) In paragraph 101(2) (other grounds for termination by the Health Board)—
- (a) in head (b) omit “or suspended” to “corresponding thereto”;
  - (b) for head (c) substitute—
    - “(c) subject to sub-paragraph (3), the person is disqualified or suspended from practising by any licensing body anywhere in the world (other than by—
      - (i) a direction under section 32A(2) (applications for interim suspension) or 32B(1) (suspension pending appeal) of the Act;
      - (ii) a Health Board in terms of regulation 8A of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004(2); or
      - (iii) any provision in force in England, Wales or Northern Ireland corresponding to the provisions referred to in sub-heads (i) and (ii)).”.
- (4) In paragraph 101A(2) (other grounds for termination by the Health Board for contracts entered into on or after 22nd December 2010)—
- (a) in head (b) omit “or suspended” to “corresponding thereto”;
  - (b) for head (c) substitute—
    - “(c) subject to sub-paragraph (5), the person is disqualified or suspended from practising by any licensing body anywhere in the world (other than by—
      - (i) a direction under section 32A(2) (applications for interim suspension) or 32B(1) (suspension pending appeal) of the Act;
      - (ii) a Health Board in terms of regulation 8A of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004; or
      - (iii) any provision in force in England, Wales or Northern Ireland corresponding to the provisions referred to in sub-heads (i) and (ii)).”.

St Andrew’s House,  
Edinburgh  
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*NICOLA STURGEON*  
A member of the Scottish Executive