
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 66

The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018

PART 5

CONTRACTS: MANDATORY TERMS

Certificates

25.—(1) A contract must contain a term which has the effect of requiring the contractor to issue free of charge to a patient or a patient’s personal representatives any medical certificate of a description prescribed in column 1 of schedule 4, which is reasonably required under or for the purposes of the enactments specified in relation to the certificate in column 2 of that schedule, except where, for the condition to which the certificate relates, the patient—

- (a) is being attended by a medical practitioner or an alternative provider for the relevant certificate who is not—
 - (i) employed or engaged by the contractor;
 - (ii) in the case of a contract with a partnership, one of the partners;
 - (iii) in the case of a contract with a limited liability partnership, one of the members; or
 - (iv) in the case of a contract with a company, one of the members; or
- (b) is not being treated by or under the supervision of a health care professional.

(2) The exception in paragraph (1)(a) will not apply where the certificate is a doctor’s statement issued in accordance with regulation 2(1) of the Social Security (Medical Evidence) Regulations 1976⁽¹⁾ (evidence of incapacity for work, limited capability for work and confinement) or regulation 2(1) of the Statutory Sick Pay (Medical Evidence) Regulations 1985⁽²⁾ (medical information).

(3) The contract must contain a term which has the effect of providing that the contractor’s obligation to issue any medical certificate prescribed in column 1 of schedule 4 can be discharged on behalf of the contractor by an alternative provider for the relevant medical certificate.

(4) In this regulation “alternative provider” means another health care professional⁽³⁾ who falls within the description of alternative providers specified in column 3 of schedule 4 in relation to the relevant medical certificate prescribed in column 1 of that schedule.

(1) *S.I. 1976/615.* Regulation 2(1) was substituted by *S.I. 2010/137.*

(2) *S.I. 1985/1604.* Regulation 2(1) was substituted by *S.I. 2010/137.*

(3) “Health care professional” includes nurses and midwives registered with the Nursing and Midwifery Council.