

SCHEDULE 1

CONTENT OF AGREEMENTS

PART 8

VARIATION AND TERMINATION OF AGREEMENTS

Variation of an agreement: general

61.—(1) Subject to regulation 25, paragraphs 33(8), 65 and 75 of this schedule and sub-paragraph (2), no amendment or variation will have effect unless it is in writing and signed by or on behalf of the Health Board and the provider.

(2) In addition to the specific provision made in paragraph 75 the Health Board may vary the agreement without the provider’s consent where it—

- (a) is reasonably satisfied that it is necessary to vary the agreement so as to comply with the relevant legislation; and
- (b) notifies the provider in writing of the wording of the proposed variation and the date upon which that variation is to take effect,

and, where it is reasonably practicable to do so, the date that the proposed variation is to take effect will not be less than 14 days after the date on which the notice under sub-paragraph (b) is served on the provider.

(3) In this paragraph “relevant legislation” means—

- (a) the Act;
- (b) the 1998 Act or any directly applicable EU instrument relating to data protection;
- (c) the Patient Rights (Scotland) Act 2011⁽¹⁾;
- (d) the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016⁽²⁾; and
- (e) any regulations or direction given by the Scottish Ministers pursuant to the Acts referred to at sub-paragraphs (a), (c) and (d).

(1) 2011 asp 5.
(2) 2016 asp 14.