

SCHEDULE 2

AGREEMENTS TO PROVIDE ESSENTIAL SERVICES

PART 2

LIST OF PATIENTS

Assignments to closed lists: NHS dispute resolution procedure relating to determinations of the assessment panel

26.—(1) Where an assessment panel makes a determination under paragraph 25(7) that the Health Board may assign new patients to providers which have closed their lists of patients, any provider specified in that determination may refer the matter in dispute to the Scottish Ministers to review the determination of the assessment panel.

(2) Where more than one provider specified in the determination in accordance with paragraph 25(7) wishes to refer the matter for dispute resolution, those providers may, if they all agreed, refer the matter jointly, and in that case the Scottish Ministers must review the matter in relation to those providers together.

(3) Where a matter is referred to the Scottish Ministers under sub-paragraph (1) or (2), it will be determined in accordance with the NHS dispute resolution procedure as modified as follows—

(a) in paragraph 58(3) of schedule 1, for “a dispute as mentioned in sub-paragraph (1)” substitute “the matter as mentioned in [F1paragraphs 26(1) and (2)] of schedule 2”;

(b) for paragraph 58(4) of schedule 1, substitute—

“(4) The provider (or providers) wishing to refer the matter as mentioned in paragraph 26(1) or (2) of schedule 2 must send the request to the Scottish Ministers within the period of 7 days beginning with the date of the determination by the assessment panel in accordance with paragraph 25(7) of schedule 2”;

(c) for paragraph 58(13) of schedule 1, substitute—

“(13) In this paragraph, “specified period” means such period as the Scottish Ministers specify in the request sent under sub-paragraphs (6) or (8), being not less than one, nor more than two, weeks beginning with the date on which the request is given, but the adjudicator may, if the period for determination of the dispute has been extended in accordance with sub-paragraph (19), extend any such period (even after it has expired) and, where the adjudicator does so, a reference in this paragraph to the specified period is to the period as so extended.”;

(d) after paragraph 58(15) of schedule 1, there must be inserted the following sub-paragraphs—

“(16) Subject to sub-paragraph (19), within the period of 21 days beginning with the date on which the matter was referred to the Scottish Ministers, the adjudicator must determine whether the Health Board may assign patients to providers which have closed their lists of patients; and if the adjudicator determines that the Health Board may make such assignments, the adjudicator must also determine those providers to which patients may be assigned.

(17) The adjudicator may not determine that patients may be assigned to a provider which was not specified in the determination of the assessment panel under paragraph 25(7) of schedule 2.

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2018, Paragraph 26. (See end of Document for details)

(18) In the case of a matter referred jointly by providers in accordance with paragraph 26(2) of schedule 2, the adjudicator may determine that patients may be assigned to one, some or all of the providers which referred the matter.

(19) The period of 21 days referred to in sub-paragraph (16) may be extended (even after it has expired) by a further specified number of days if an agreement to that effect is reached by—

- (a) the adjudicator;
- (b) the Health Board; [^{F2}and]
- (c) the provider (or providers) which referred the matter to dispute [^{F3}resolution.”; and]”
- ^{F4}(d)

[^{F5}(e) paragraph 59(2) and (3) of schedule 1 do not apply.]

Textual Amendments	
F1	Words in sch. 2 para. 26(3)(a) substituted (1.4.2018) by The National Health Service (General Medical Services Contracts and Primary Medical Services Section 17C Agreements) (Scotland) Amendment Regulations 2018 (S.S.I. 2018/94) , regs. 1, 16(f)(i)
F2	Word in sch. 2 para. 26(3)(d) inserted (1.4.2018) by The National Health Service (General Medical Services Contracts and Primary Medical Services Section 17C Agreements) (Scotland) Amendment Regulations 2018 (S.S.I. 2018/94) , regs. 1, 16(f)(ii)(aa)
F3	Word in sch. 2 para. 26(3)(d) substituted (1.4.2018) by The National Health Service (General Medical Services Contracts and Primary Medical Services Section 17C Agreements) (Scotland) Amendment Regulations 2018 (S.S.I. 2018/94) , regs. 1, 16(f)(ii)(bb)
F4	Words in sch. 2 para. 26(3)(d) omitted (1.4.2018) by virtue of The National Health Service (General Medical Services Contracts and Primary Medical Services Section 17C Agreements) (Scotland) Amendment Regulations 2018 (S.S.I. 2018/94) , regs. 1, 16(f)(ii)(cc)
F5	sch. 2 para. 26(3)(e) inserted (1.4.2018) by The National Health Service (General Medical Services Contracts and Primary Medical Services Section 17C Agreements) (Scotland) Amendment Regulations 2018 (S.S.I. 2018/94) , regs. 1, 16(f)(ii)(dd)

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2018, Paragraph 26.