



National Health Service (Scotland) Act 1978

1978 CHAPTER 29

PART II

PROVISION OF SERVICES

Supplementary provisions relating to Part II

[^{F1}35 Sale of medical practices.

- (1) It is unlawful to sell the goodwill of the medical practice of a person who has at any time—
- (a) provided general medical services under arrangements made with any Executive Council or Health Board under the ^{M1}National Health Service (Scotland) Act 1947, the ^{M2}National Health Service (Scotland) Act 1972 or [^{F2}(prior to its repeal) section 19 of] this Act, or
 - (b) provided or performed personal medical services in accordance with section 17C arrangements, [^{F3}(prior to the coming into force of section 2C)] [^{F4} or
 - (c) provided or performed primary medical services in accordance with section 17C arrangements or arrangements under section 2C(2) or under a general medical services contract—
 - (i) in prescribed circumstances; or
 - (ii) if regulations so provide, in all circumstances,]

unless that person no longer provides or performs such services and has never carried on the practice in a relevant area .

- (2) In this section—

“goodwill” includes any part of goodwill and, in relation to a person practising in partnership, means his share of the goodwill of the partnership practice;

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Health Service (Scotland) Act 1978. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“medical practice” includes any part of a medical practice; and
 “relevant area”, in relation to any Executive Council or Health Board by
 arrangement [^{F5}or contract] with whom a person has at any time [^{F6} provided
 or performed services as specified in subsection (1)]

(3) Schedule 9 supplements the provisions of this section.]

Textual Amendments

- F1** S. 35 substituted (1.4.1998) by 1997 c. 47, s. 34(2); S.I. 1998/631, art. 2(a), **Sch. 1**
- F2** Words in s. 35(1)(a) inserted (13.2.2004 for certain purposes, otherwise 1.4.2004) by Primary Medical Services (Scotland) Act 2004 (asp 1), ss. 8, 9(1)(2), **Sch. para. 1(14)(a)(i)**; S.S.I. 2004/58, **art. 2**, Sch.
- F3** Words in s. 35(1)(b) inserted (13.2.2004 for certain purposes, otherwise 1.4.2004) by Primary Medical Services (Scotland) Act 2004 (asp 1), ss. 8, 9(1)(2), **Sch. para. 1(14)(a)(ii)**; S.S.I. 2004/58, **art. 2**, Sch.
- F4** S. 35(1)(c) and word inserted (13.2.2004 for certain purposes, otherwise 1.4.2004) by Primary Medical Services (Scotland) Act 2004 (asp 1), ss. 8, 9(1)(2), **Sch. para. 1(14)(a)(iii)**; S.S.I. 2004/58, **art. 2**, Sch.
- F5** S. 35(2): words in the "definition of relevant" inserted (13.2.2004 for certain purposes, otherwise 1.4.2004) by Primary Medical Services (Scotland) Act 2004 (asp 1), ss. 8, 9(1)(2), **Sch. para. 1(14)(b)(i)**; S.S.I. 2004/58, **art. 2**, Sch.
- F6** Words in s. 35(2) substituted (13.2.2004 for certain purposes, otherwise 1.4.2004) for s. 35(2)(a)(b) by Primary Medical Services (Scotland) Act 2004 (asp 1), ss. 8, 9(1)(2), **Sch. para. 1(14)(b)(ii)**; S.S.I. 2004/58, **art. 2**, Sch.

Modifications etc. (not altering text)

- C1** S. 35(1)(c) modified (1.4.2004) by The General Medical Services and Section 17C Agreements (Transitional and other Ancillary Provisions) (Scotland) Order 2004 (S.S.I. 2004/163), **art. 96**

Marginal Citations

- M1** 1947 c. 27.
M2 1972 c. 58.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 10C(3A) inserted by [2019 asp 6 s. 6\(3\)\(a\)](#)
- s. 10I(1)(b)(c) and word inserted by [2019 asp 6 s. 6\(4\)\(b\)](#)
- s. 16A(5) added by [2002 asp 5 Sch. 2 para. 2\(2\)](#)
- s. 19A(2)(b) words repealed by [2003 asp 4 sch. 4 para. 5\(4\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(a) words substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(b) substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(c) words substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(e) word substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 70A inserted by [1997 c. 46 s. 26\(2\)](#)
- s. 70A(2) word substituted by [2005 asp 13 s. 14\(3\)](#)
- s. 85AB(7) inserted by [2005 asp 13 sch. 2 para. 2\(18\)\(b\)](#)
- Sch. 11 para. 2(1A) inserted by [2005 asp 13 s. 14\(6\)\(a\)](#)