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STATUTORY INSTRUMENTS

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**1999 No. 749 (S. 53)**

**NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (General Medical Services) (Scotland) Amendment Regulations 1999**

<i>Made</i>	- - - -	<i>9th March 1999</i>
<i>Laid before Parliament</i>		<i>11th March 1999</i>
<i>Coming into force</i>	- -	<i>1st April 1999</i>

The Secretary of State, in exercise of the powers conferred on him by sections 2(5), 19, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (General Medical Services) (Scotland) Amendment Regulations 1999 and shall come into force on 1st April 1999.

(2) In these Regulations, “the 1995 Regulations” means the National Health Service (General Medical Services) (Scotland) Regulations 1995(2).

**Amendment of the 1995 Regulations**

2.—(1) The 1995 Regulations are amended as follows.

(2) In regulation 2(1) (interpretation) after “the 1997 Act”(3) there is inserted—

““the Agency” means the Common Services Agency for the Scottish Health Service constituted under section 10 of the Act;”.

(3) In regulation 35 (payments)—

(a) in paragraph (1), for “a Board” there is substituted “the Agency” and for “in its area” there is substituted “in the area of a Board”;

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(1) 1978 c. 29; section 2(5) was amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), Schedule 9, paragraph 19(1); section 19 was amended by the Health Services Act 1980 (c. 53) (“the 1980 Act”), section 7, by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) (“the 1983 Act”), Schedule 7, paragraph 2, by the Medical Act 1983 (c. 54), Schedule 5, paragraph 17(a), by the 1990 Act, section 37 and by the Medical (Professional Performance) Act 1995 (c. 51), Schedule, paragraph 29(a) and is to be read with the Health and Medicines Act 1988 (c. 49), section 17; section 105(7) was amended by the 1980 Act, Schedule 6, paragraph 5 and Schedule 7 and by the 1983 Act, Schedule 9, paragraph 24; see section 108(1) for the definitions of “prescribed” and “regulations”.

(2) S.I. 1995/416; amended by S.I. 1995/3199, 1996/842 and 1504, 1997/943 and 1473 and 1998/4, 660, 1600 and 1667.

(3) The reference to the 1997 Act was inserted by S.I. 1998/660.

(b) paragraph (2) is deleted.

(4) In regulation 35A (payments to suspended doctors)(4), in paragraph (1) for “The Board” there is substituted “The Agency”.

(5) In regulation 35B (GMS local development schemes)(5), for paragraph (3) there is substituted–

“(3) In respect of each financial year the Agency shall make payments in accordance with the determination of the Board under the said section 85(1AA)(b) to those doctors whose names are included in its medical list who qualify by virtue of the determination for such payments.”.

(6) In regulation 36 (claims and overpayments)–

(a) in paragraph (2) for “the Board” where it first occurs there is substituted “the Agency”;

(b) in sub-paragraph (2)(b) for “regulation 8(1)” there is substituted “regulation 3(7)” and for “regulation 12” there is substituted “regulation 8”.

(7) In paragraph 12A of Schedule 1 (complaints)(6), in sub-paragraph (4)(a)(ii) for “Social Work (Scotland) Act 1968” there is substituted “Children (Scotland) Act 1995”(7).

St Andrew’s House,  
Edinburgh  
9th March 1999

*Sam Galbraith*  
Minister for Health, Scottish Office

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(4) Regulation 35A was inserted by [S.I. 1995/3199](#).

(5) Regulation 35B was inserted by [S.I. 1998/1600](#).

(6) Paragraph 12A was inserted by [S.I. 1996/842](#).

(7) [1995 c. 36](#).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the National Health Service (General Medical Services) (Scotland) Regulations 1995 (“the 1995 Regulations”) which regulate the terms on which general medical services are provided under the National Health Service (Scotland) Act 1978.

The 1995 Regulations are amended to replace references to a Health Board, where these relate to payment functions, by references to the Common Services Agency to which payment functions will transfer on 1st April 1999.

The Regulations also make minor drafting amendments to the 1995 Regulations.