

Changes to legislation: Primary Medical Services (Scotland) Act 2004, SCHEDULE is up to date with all changes known to be in force on or before 23 April 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE

(introduced by section 8)

MODIFICATION OF ENACTMENTS

National Health Service (Scotland) Act 1978 (c.29)

- 1 (1) The 1978 Act is amended as follows.
- (2) In section 15(1)(a) (supply of goods and services to local authorities etc.)—
 - (a) in sub-paragraph (i), for “general medical,” substitute “ primary medical services under a general medical services contract or ”,
 - (b) in sub-paragraph (ii), for “personal medical services” substitute “ primary medical services ”.
- (3) In section 17D(2), after the definition of “section 28C arrangements” the word “and” is repealed.
- (4) Sections 17EA (services lists in relation to section 17C arrangements etc. for personal medical services) and 17EB (application for inclusion in list) are repealed.
- (5) Section 17F (right to choose medical practitioner in relation to primary medical services) is repealed.
- (6) In section 17I (making available by Scottish Ministers of accommodation for use in connection with section 17C arrangements), for “personal medical services” substitute “ primary medical services ”.
- (7) Sections 19 (arrangements etc. in relation to general medical services) to 23 (refusal of application: provision of services adequate) and 24A (liabilities and obligations in relation to deputies) to 24C (application for inclusion in supplementary list) are repealed.
- (8) In section 28(1) (persons authorised to provide pharmaceutical services), for “general medical services” substitute “ primary medical services under Part 1 ”.
- (9) In section 28A(1) (remuneration for provision of Part II services), the words “general medical services,” are repealed.
- (10) In section 28B(6) (Part II remuneration: supplementary), for “sections 19(3) and” substitute “ section ”.
- (11) In section 28C(3) (indemnity cover)—
 - ^{F1}(a)
 - (b) in the definition of “Part II services”, the words “general medical services,” are repealed.
- (12) In section 29A (NHS Tribunal: supplementary), subsection (3A) is repealed.
- ^{F2}(13)
- (14) In section 35 (sale of medical practices)—
 - (a) in subsection (1)—
 - (i) in paragraph (a) after “1972 or” insert “ (prior to its repeal) section 19 of ”,

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- (ii) in paragraph (b), at the end insert “ (prior to the coming into force of section 2C) ”,
 - (iii) after that paragraph insert “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,”
 - (b) in subsection (2), in the definition of “relevant area”—
 - (i) after “by arrangement” insert “ or contract ”,
 - (ii) for paragraphs (a) and (b) substitute “ provided or performed services as specified in subsection (1) ”.
- (15) Section 40(2)(vaccination and immunisation) is repealed.
- (16) In section 85AA (means of meeting expenditure of Health Boards out of public funds), in subsection (4)—
- (a) in paragraph (a)(ii), for “to (d)” substitute “ or (c) ”,
 - (b) paragraph (d) is repealed.
- (17) In section 108 (interpretation)—
- (a) after the definition of “functions”, insert—
 - ““general medical services contract” has the meaning given in section 17J(2);”,
 - (b) the definitions of “medical list” and “personal medical services” are repealed,
 - (c) after the definition of “prescribed” insert—
 - ““primary medical services” is to be construed in accordance with section 2C(5);”,
 - (d) the definitions of “services list” and “supplementary list” are repealed.

Textual Amendments

- F1** Sch. para. 1(11)(a) repealed (1.4.2006) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), s. 43(3), [Sch. 3](#); S.S.I. 2006/121, art. 3(b), Sch. 2
- F2** Sch. para. 1(13) repealed (1.4.2006) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), s. 43(3), [Sch. 3](#); S.S.I. 2006/121, art. 3(b), Sch. 2

Commencement Information

- I1** Sch. para. 1(1)(14) in force at 13.2.2004 for specified purposes by [S.S.I. 2004/58](#), art. 2(1), [Sch.](#) (with art. 2(2))
- I2** Sch. para. 1(1)(14) in force at 1.4.2004 in so far as not already in force by [S.S.I. 2004/58](#), art. 2(3)
- I3** Sch. para. 1(2)-(13)(15)-(17) in force at 1.4.2004 by [S.S.I. 2004/58](#), art. 2(3)

National Health Service (Primary Care) Act 1997 (c.46)

- 2 (1) The National Health Service (Primary Care) Act 1997 is amended as follows.

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- (2) In section 1 (pilot schemes)—
- (a) subsection (1)(a) and the succeeding “or” are repealed,
 - (b) in subsection (2), the words from “personal medical services”, where they first occur, to “services or” are repealed,
 - (c) in subsection (3)—
 - (i) in paragraph (a), the words “personal medical services or” are repealed,
 - (ii) in paragraph (b), after “which” insert “ (not being primary medical services) ”,
 - (d) in subsection (5), paragraph (a) is repealed,
 - (e) in subsection (8), for the definition of “personal medical services” substitute—

““primary medical services” has the same meaning as for the purposes of Part I of the 1978 Act;”.
- (3) Section 2 (pilot schemes for provision of personal medical services) is repealed.
- (4) In section 5 (approval of pilot schemes for provision of personal medical services etc.), subsections (4) and (7) are repealed.
- (5) Sections 11 to 13 (medical practitioners to be suitably experienced and lists) and 15 (liabilities and obligations in relation to deputies) are repealed.
- (6) Section 23(2) (right to choose medical practitioner in relation to primary medical services) is repealed.
- (7) Section 33 (medical lists and vacancies for medical practitioners) is repealed.
- (8) In section 40(2) (interpretation), the definitions of “medical list” and “personal medical services” are repealed.
- (9) Schedule 1 (preferential treatment on transferring to medical lists) is repealed.
- (10) In Schedule 2 (amendments of enactments)—
- (a) paragraphs 37 and 39 to 41 are repealed,
 - (b) paragraph 57, in so far as providing for a definition of “personal medical services”, is repealed.

Commencement Information

I4 Sch. para. 2 in force at 1.4.2004 by S.S.I. 2004/58, art. 2(3)

Community Care and Health (Scotland) Act 2002 (asp 5)

- 3 (1) The Community Care and Health (Scotland) Act 2002 is amended as follows.
- (2) Section 18 (services lists and supplementary lists) is repealed.
- (3) In schedule 2 (amendment of enactments), in paragraph 2—
- (a) sub-paragraph (3) is repealed,
 - (b) sub-paragraph (12), in so far as providing for a definition of “medical list”, is repealed.

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I5 Sch. para. 3 in force at 1.4.2004 by S.S.I. 2004/58, art. 2(3)

Scottish Public Services Ombudsman Act 2002 (asp 11)

- 4 (1) The Scottish Public Services Ombudsman Act 2002 is amended as follows.
- (2) In schedule 2 (listed authorities), in paragraph 5—
- (a) for sub-paragraph (a) substitute—
- “(a) a person (whether an individual or a body) providing primary medical services under a general medical services contract (within the meaning of the National Health Service (Scotland) Act 1978) or general dental services under Part II of that Act”,
- (b) in sub-paragraph (c), for “personal medical services” substitute “ primary medical services ”.
- (3) In schedule 4 (matters which Ombudsman must not investigate), in paragraph 14, for “19” substitute “ 17P ”.

Commencement Information

I6 Sch. para. 4 in force at 1.4.2004 by S.S.I. 2004/58, art. 2(3)

Freedom of Information (Scotland) Act 2002 (asp 13)

- 5 In Part 4 (The National Health Service) of schedule 1 (Scottish public authorities) to the Freedom of Information (Scotland) Act 2002—
- (a) in paragraph 33—
- (i) for “general medical services,” substitute “ primary medical services under a general medical services contract (within the meaning of the National Health Service (Scotland) Act 1978) or ”,
- (ii) for “the National Health Service (Scotland) Act 1978” substitute “ that Act ”,
- (b) in paragraph 34, for “personal medical services” substitute “ primary medical services ”.

Commencement Information

I7 Sch. para. 5 in force at 1.4.2004 by S.S.I. 2004/58, art. 2(3)

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Changes and effects yet to be applied to :

- sch. para. 1(8) repealed by [2005 asp 13 sch. 3](#)
- sch. para. 1(10) repealed by [2005 asp 13 sch. 3](#)
- sch. para. 1(16)(a) repealed by [2005 asp 13 sch. 3](#)