



# Primary Medical Services (Scotland) Act 2004 2004 asp 1

## PART 1

### PROVISION OF PRIMARY MEDICAL SERVICES

#### *Persons performing primary medical services*

#### **5 Persons performing primary medical services**

- (1) The 1978 Act is amended as follows.
- (2) After section 17O (as inserted by section 4 above) insert—

#### *“Persons performing primary medical services*

#### **17P Persons performing primary medical services**

- (1) Regulations may provide that a health care professional of a prescribed description may not perform any primary medical service which a Health Board is, under section 2C(1), under a duty to provide or secure the provision of unless that professional is included in a list maintained under the regulations by the Health Board.
- (2) For the purposes of this section, “health care professional” means a member of a profession regulated by a body for the time being mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17).
- (3) Regulations under subsection (1) may make provision in relation to such lists and in particular as to—
  - (a) the preparation, maintenance and publication of a list;
  - (b) eligibility for inclusion in a list;

*Changes to legislation: There are currently no known outstanding effects for the Primary Medical Services (Scotland) Act 2004, Section 5. (See end of Document for details)*

- (c) applications for inclusion (including provision for the procedure for applications to be made and dealt with and the documents to be supplied on application);
  - (d) the grounds on which an application for inclusion may or must be granted or refused;
  - (e) requirements with which a person included in a list must comply (including requirements as to standards of performance and patient care and as to declarations, consents or undertakings);
  - (f) suspension or removal from a list (including the grounds for and consequences of suspension or removal);
  - (g) circumstances in which a person included in a list may not withdraw from it;
  - (h) payments to be made by a Health Board in respect of a person suspended from the list (including provision for the amount of, or the method of calculating, the payment to be determined by the Scottish Ministers);
  - (i) the criteria to be applied in making decisions under the regulations;
  - (j) appeals against decisions made by a Health Board under the regulations;
  - (k) disclosure of information about applicants for inclusion, refusals of applications, or suspensions, removals or references to the Tribunal.
- (4) Regulations making provision as to the matters referred to in subsection (3)
- (k) may in particular authorise the disclosure of information—
    - (a) by a Health Board to the Scottish Ministers; and
    - (b) by the Scottish Ministers to a Health Board.”
- (3) In section 29 (the NHS Tribunal)—
- <sup>F1</sup>(a) .....
  - (b) for paragraphs (a) and (aa) of subsection (8) substitute—
    - “(a) a list of health care professionals of a prescribed description performing primary medical services;”,
  - (c) after that subsection insert—
    - “(8A) In subsection (8)(a), “health care professional” has the same meaning as in section 17D.”

#### Textual Amendments

- F1** S. 5(3)(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](#)

#### Commencement Information

- I1** S. 5 in force at 13.2.2004 for specified purposes by [S.S.I. 2004/58](#), art. 2(1), [Sch.](#) (with art. 2(2))
- I2** S. 5 in force at 1.4.2004 in so far as not already in force by [S.S.I. 2004/58](#), [art. 2\(3\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Primary Medical Services (Scotland) Act 2004, Section 5.