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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 162**

**The Primary Medical Services (Sale of Goodwill and Restrictions on Sub-contracting) (Scotland) Regulations 2004**

**Interpretation**

2.—(1) In these Regulations—

“the 1978 Act” means the National Health Service (Scotland) Act 1978;

“core hours” means the period beginning at 8 a.m. and ending at 6:30 p.m. on any day apart from Saturday, Sunday, Christmas Day, New Year’s Day and any other public or local holiday which is agreed in writing between the Health Board and the provider or performer;

“default contract” means a contract entered into pursuant to an order made under section 7 of the Primary Medical Services (Scotland) Act 2004(1) (ancillary provision);

“enhanced services”, with regard to—

- (a) a GMS contractor, has the meaning given in regulation 2(1) of the GMS Contracts Regulations (interpretation);
- (b) any other performer or provider of primary medical services, means services which, if performed or provided by a GMS contractor, would be enhanced services within the meaning given in regulation 2(1) of the GMS Contracts Regulations;

“essential services” means the services described in regulation 15(3), (5), (6) and (8) of the GMS Contracts Regulations (essential services) or services that are equivalent to those services;

“GMS contractor” means a person with whom a Health Board has entered into a general medical services contract or a default contract;

“GMS Contracts Regulations” means the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004(2);

“goodwill factor” means the difference between the value of the share when the goodwill of the performer’s or provider’s medical practice is taken into account and the value of the share when the goodwill of the performer’s or provider’s medical practice is not taken into account;

“HBMS contractor” means a person with whom a Health Board has made arrangements under section 2C(2) of the 1978 Act(3) (functions of Health Boards: primary medical services) for the provision of primary medical services, but does not include a GMS contractor or a section 17C provider;

“Section 17C Agreements Regulations” means the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004(4); and

“section 17C provider” means a person with whom a Health Board has entered into section 17C arrangements.

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(1) 2004 asp 1.

(2) S.S.I. 2004/115.

(3) Section 2C was inserted by the Primary Medical Services (Scotland) Act 2004 (asp 1), section 1(2).

(4) S.S.I. 2004/116.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(2) For the purposes of these Regulations, a performer or provider has a registered patient list if there are patients–

- (a) recorded by a Health Board as being on the performer’s or provider’s list of patients or the Health Board’s list of patients in respect of the performer or provider; and
- (b) to whom the performer or provider must provide essential services during core hours other than under an arrangement to provide enhanced services.