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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 223**

**NATIONAL HEALTH SERVICE**

**The General Medical Services and the General Medical Services and Section 17C Agreements (Transitional and Other Ancillary Provisions Orders) (Scotland) Amendment Order 2004**

<i>Made</i>	- - - -	<i>18th May 2004</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>19th May 2004</i>
<i>Coming into force</i>	- -	<i>14th June 2004</i>

The Scottish Ministers, in exercise of the powers conferred by section 7(1) and (2) of the Primary Medical Services (Scotland) Act 2004<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation and commencement**

1. This Order may be cited as the General Medical Services and the General Medical Services and Section 17C Agreements (Transitional and Other Ancillary Provisions Orders) (Scotland) Amendment Order 2004 and shall come into force on 14th June 2004.

**Amendment of the General Medical Services (Transitional and Other Ancillary Provisions) (Scotland) Order 2004**

2.—(1) The General Medical Services (Transitional and Other Ancillary Provisions) (Scotland) Order 2004<sup>(2)</sup> shall be amended as provided in this article.

(2) In article 3(3)(b) (entitlement to a GMS contract as an individual medical practitioner) and article 4(3)(b) (entitlement to a GMS contract as a partnership) for “person’s” substitute “person” in each place where it occurs.

(3) In article 5(2)(a)(iii) (appeal against refusal of a contract under article 3 or 4) for “General Medical Services Transitional and Other Ancillary Provisions (Scotland) Order 2004” substitute “General Medical Services (Transitional and Other Ancillary Provisions) (Scotland) Order 2004”.

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(1) 2004 asp 1.  
(2) S.S.I. 2004/142.

(4) In article 20(2)(a) (out of hours services in GMS contracts to patients of exempt contractors who have entered into a default contract) for “1992” substitute “1995”.

**Amendment of the General Medical Services and Section 17C Agreements (Transitional and Other Ancillary Provisions) (Scotland) Order 2004**

**3.—**(1) The General Medical Services and Section 17C Agreements (Transitional and Other Ancillary Provisions) (Scotland) Order 2004**(3)** shall be amended as provided in this article.

(2) In article 2(3)(b)(ii) (application and interpretation of this Part) after “April” insert “2004”.

(3) In article 4(1) (acceptance of applications for inclusion in lists of patients) for “(3)” substitute “(2)”.

(4) In article 6(3)(a) (removal from the list of patients at the request of the relevant medical practitioner) for “9(3)” substitute “9(1)”.

(5) In article 17(1) (independent nurse prescribers and supplementary prescribers) for “29(c)” substitute “29C”.

(6) In article 18(2) (patient records) for “Primary Care Trust” substitute “Health Board”.

(7) In article 20(2) (refusal of approval of premises under paragraph 24 of Schedule 1 to the 1995 Regulations) for “paragraphs” substitute “paragraph”.

(8) In article 24(1) (arrangements with organisations providing deputy doctors) for “1997 Regulations” substitute “1995 Regulations”.

(9) In article 51(1) (interpretation of transitional agreements) after “shall” insert “be”.

(10) In article 52(f) (modification of the Implementation Directions for the purposes of transitional agreements) for “65” substitute “62”.

(11) In article 65(1) (approvals of out of hours arrangements under general medical services contracts and default contracts) for “67(2)” substitute “64(2)”.

(12) In article 70(2) (appeal against immediate withdrawal of approval of out of hours arrangements under general medical services contracts and default contracts) for “5(1)(c)” substitute “5(1)(b)”.

St Andrew’s House, Edinburgh  
18th May 2004

*MALCOLM CHISHOLM*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

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

This Order amends the General Medical Services (Transitional and Other Ancillary Provisions) (Scotland) Order 2004 (“the first transitional Order”) and the General Medical Services and section 17C Agreements (Transitional and Other Ancillary Provisions) (Scotland) Order 2004 (“the second transitional Order”). The first transitional Order set out transitional and ancillary provision for arrangements to cover the replacement of arrangements for general medical services under section 19 of the National Health Service (Scotland) Act 1978 with general medical services contracts under section 17J of that Act. The second transitional Order supplemented the first transitional Order and also made transitional and ancillary provision for the abolition of the power to make pilot schemes for personal medical services by section 3 of the Primary Medical Services (Scotland) Act 2004.

Article 2 amends drafting errors in the first transitional Order. In particular it–

- (a) corrects a reference to a provision in the National Health Service (General Medical Services) (Scotland) Regulations 1995 (“the 1995 Regulations”) in respect of which transitional provision is made (article 2(4)); and
- (b) corrects minor drafting errors (article 2(2) and (3)).

Article 3 amends drafting errors in the second transitional Order. In particular it–

- (a) clarifies the date from which services are to be provided under a general medical services contract entered into with a partnership, in order for a partner in that partnership to be a “relevant medical practitioner” for Part 2 of the second transitional Order (article 3(2));
- (b) corrects incorrect cross-references to provisions of the second transitional Order (article 3(10) and (11));
- (c) corrects references to certain provisions of the 1995 Regulations in respect of which transitional provision is made (article 3(3), (4), (5) and (8));
- (d) corrects a reference to a Primary Care Trust having requested records relating to a patient under the 1995 Regulations to be a reference to a Health Board having done so (article 3(6));
- (e) corrects a reference to a provision of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004 relating to the withdrawal of approval by Health Boards of arrangements for the provision of out hours services (article 3(12)); and
- (f) corrects minor drafting errors (article 3(7) and (9)).