
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)).