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## EXPLANATORY NOTE

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

These Regulations amend the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004 (“the principal Regulations”), which set out the framework for general medical services contracts under section 17J of the National Health Service (Scotland) Act 1978.

These Regulations in particular make amendments to the conditions that must be met before a Health Board may enter into a general medical services contract with a medical practitioner, partnership or company limited by shares, and to the provision which a general medical services contract must include.

Regulation 3 amends the condition in the principal Regulations that a general medical services contract must be entered into with a general medical practitioner (or a partnership which contains at least one general medical practitioner, or a company where at least one general medical practitioner is a legal and beneficial shareholder). The amendment provides that certain persons are not to be considered a general medical practitioner for the purpose of meeting that condition.

The amendments that are made to the provision which a general medical services contract must include are–

- (a) amendment to the vaccinations that shall be offered by those contractors providing vaccinations and immunisations (regulation 4);
- (b) provision requiring a contractor not to enter into arrangements for certain telephone services where they are to be used by patients contacting the practice (regulation 5(2));
- (c) amendment to the provisions dealing with the closure of lists of patients, to make provision for the circumstances where, after an assessment panel has determined that a contractor’s list of patients should close, that list may re-open or close again (regulation 5(3));
- (d) amendment to the provisions placing restrictions on prescribing by supplementary prescribers, to permit the prescribing and administration by them of controlled drugs and the prescribing by them of unlicensed medicines under general medical services contracts (regulation 5(4));
- (e) amendment to the provisions which do not require GP Registrars to be included in the primary medical services performers list for the Health Board in order to perform services under the contract to bring them into line with the exemptions to the requirement for GP Registrars to be on such a list contained in the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 (regulation 5(5));
- (f) amendment to the provisions relating to the employment of GP Registrars providing that the consent of the Scottish Ministers is no longer required for employing a GP Registrar (regulation 5(6));
- (g) amendment to clarify provisions relating to the withdrawal or variation of approval by a Health Board of the sub-contracting of out of hours services (regulation 5(7));
- (h) amendment to requirements as to the provision of information by the contractor to provide for time limits by which that must be done (regulation 5(8));
- (i) amendment to the provisions as to the submission of annual returns by the contractor to provide for when they may be requested and time limits by which that must be done (regulation 5(9));

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

- (j) amendment of the provisions as to notice that must be given by a contractor which is a company limited by shares to a Health Board to make provision for notice to be given when a new director or secretary is appointed (regulation 5(10));
- (k) amendment to the provisions on disputes arising out of, or in connection with, the contract that have been referred to the Scottish Ministers to clarify the matter about which representations may be made to them before they reach a decision as to who should determine a dispute (regulation 5(11));
- (l) provision as to the termination of a general medical services contract with a general medical practitioner where that practitioner dies (regulation 5(12));
- (m) amendment to the provisions as to termination of a contract where a contractor has provided untrue or inaccurate information before a contract was entered to provide that a contract may be terminated when untrue or inaccurate information is given in certain notices after a contract has been entered (regulation 5(13));
- (n) amendment to the provisions as to the relationship between the termination of the contract and the dispute resolution procedure to correct errors in the principal Regulations (regulation 5(14));
- (o) amendment to the provisions on insurance to provide that a contractor is to be regarded as holding insurance if a person engaged by the contractor holds insurance in connection with clinical services which that person provides (regulation 5(15)).

These Regulations also—

- (a) amend definitions in the principal Regulations related to the above amendments (regulation 2(3) and (4));
- (b) amend the definition of “general medical practitioner” in the principal Regulations so that references to one, unless the context otherwise requires, include all medical practitioners included on the General Practitioner Register or, until that Register comes into effect, who are suitably experienced or have an acquired right to practise as a general medical practitioner (regulation 2(2));
- (c) amend the definition of “out of hours services” in the principal Regulations to clarify its meaning (regulation 2(5)); and
- (d) amend the definition of “supplementary prescriber” to provide for additional categories of health care professional who may also prescribe as a supplementary prescriber to do so under general medical services contracts (regulation 2(6));

Regulation 6 makes transitional arrangements in relation to the amendment made by regulation 3 to provide that general medical services contracts that have been entered into with medical practitioners that are not now general medical practitioners for that purpose are not to be terminated for that reason.

Regulation 7 makes transitional arrangements in relation to the amendment made by regulation 5(2) to provide that no action is taken against contractors who have already entered into arrangements for such telephone services provided they comply with certain conditions as regards providing the Health Board with details as to those arrangements, and varying or terminating those arrangements.