
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 93

The National Health Service (General Medical Services Contracts, Primary Medical Services Section 17C Agreements and Primary Medical Services Performers Lists) (Scotland) Amendment Regulations 2010

Amendment of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004

2. The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004⁽¹⁾ are amended as follows—

- (a) in regulation 2(1) (interpretation)⁽²⁾—
 - (i) for the definition of “the 2003 Order” substitute—

“the 2010 Order” means the Postgraduate Medical Education and Training Order of Council 2010⁽³⁾”; and
 - (ii) omit the definition of “medical officer”.
- (b) in regulation 4 (conditions relating solely to medical practitioners)⁽⁴⁾—
 - (i) for paragraph (4), substitute—

“(4) In paragraphs (1), (2)(a) and (3)(a), “general medical practitioner” does not include a medical practitioner whose name is included in the General Practitioner Register by virtue of—

 - (a) article 4(3) of the 2010 Order (general practitioners eligible for entry in the General Practitioner Register) because of an exemption under regulation 5(1)(d) of one of the sets of Regulations specified in paragraph (5);
 - (b) article 6(2) of the 2010 Order (persons with acquired rights) by virtue of being a restricted services principal (within the meaning of one or more of the sets of Regulations specified in paragraph (6)) included in a list specified in that article; or
 - (c) article 6(6) of the 2010 Order.”.
 - (ii) in paragraph (5), for “paragraph (4)(a)(iii) and (b)(i)(bb)” substitute “paragraph (4)(a)”.
 - (iii) for paragraph (6) substitute—

“(6) The Regulations referred to in paragraph 4(b) are the National Health Service (General Medical Services) Regulations 1992, the National Health Service (General

(1) [S.S.I. 2004/115](#) relevant amendments to which are noted where reference is made to individual provisions of those Regulations.

(2) Regulation 2(1) has been amended but those amendments are not relevant to these Regulations.

(3) [S.I. 2010/473](#).

(4) Regulation 4 was amended by [S.S.I. 2005/337](#).

Medical Services) (Scotland) Regulations 1995, and the General Medical Services Regulations (Northern Ireland) 1997.”.

(c) in regulation 21 (certificates) for paragraph (2), substitute—

“(2) The exception in paragraph (1)(a) shall not apply where the certificate is a doctor’s statement issued in accordance with regulation 2(1) of the Social Security (Medical Evidence) Regulations 1976⁽⁵⁾ (evidence of incapacity for work, limited capability for work and confinement) or regulation 2(1) of the Statutory Sick Pay (Medical Evidence) Regulations 1985⁽⁶⁾ (medical information).”.

(d) for paragraph 72 of Schedule 5 (reports to a medical officer), substitute—

“Provision of information to a medical officer etc

72.—(1) The contractor must, if satisfied that the patient consents—

(a) supply in writing to any person specified in sub-paragraph (3), within such reasonable period as that person may specify, such clinical information as any of the persons mentioned in sub-paragraph (3)(a) to (d) considers relevant about a patient to whom the contractor or a person acting on behalf of the contractor has issued or has refused to issue a medical certificate; and

(b) answer any inquiries by any person mentioned in sub-paragraph (3) about—

(i) a prescription form or medical certificate issued or created by, or on behalf of, the contractor, or

(ii) any statement which the contractor or a person acting on behalf of that contractor has made in a report.

(2) For the purposes of being satisfied that a patient consents, a contractor may rely on an assurance in writing from any person mentioned in sub-paragraph (3) that the consent of the patient has been obtained, unless the contractor has reason to believe that the patient does not consent.

(3) For the purposes of sub-paragraphs (1) and (2), the persons are—

(a) a medical officer;

(b) a nursing officer;

(c) an occupational therapist;

(d) a physiotherapist; or

(e) an officer of the Department for Work and Pensions who is acting on behalf of, and at the direction of, any person specified in paragraphs (a) to (d).

(4) In this paragraph—

(a) “medical officer” means a medical practitioner who is—

(i) employed or engaged by the Department for Work and Pensions, or

(ii) provided by an organisation under a contract entered into with the Secretary of State for Work and Pensions;

(b) “nursing officer” means a health care professional who is registered on the Nursing and Midwifery Register and—

(i) employed or engaged by the Department for Work and Pensions, or

(5) S.I. 1976/615 which was relevantly amended by S.I. 2010/137.

(6) S.I. 1985/1604 which was relevantly amended by S.I. 2010/137.

- (ii) provided by an organisation under a contract entered into with the Secretary of State for Work and Pensions;
- (c) “occupational therapist” means a health care professional who is registered in the part of the register maintained by the Health Professions Council under article 5 of the Health Professions Order 2001⁽⁷⁾ relating to occupational therapists and—
 - (i) employed or engaged by the Department for Work and Pensions, or
 - (ii) provided by an organisation under a contract entered into with the Secretary of State for Work and Pensions; and
- (d) “physiotherapist” means a health care professional who is registered in the part of the register maintained by the Health Professions Council under article 5 of the Health Professions Order 2001 relating to physiotherapists and—
 - (i) employed or engaged by the Department for Work and Pensions, or
 - (ii) provided by an organisation under a contract entered into with the Secretary of State for Work and Pensions.”.

(7) [S.I. 2002/254](#) which was relevantly amended by [S.I. 2009/1182](#).