
EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Part 2 of the Regulations prescribes the conditions which, in accordance with section 17L(1) of the Act, must be met by a contractor before the Health Board may enter into a general medical services contract with it.

Part 3 of the Regulations prescribes the procedure for pre-contract dispute resolution, in accordance with section 17O(1) of the Act.

Part 4 of the Regulations sets out the procedures, in accordance with section 17O(2) of the Act, by which a contractor may elect to be regarded as a health service body for any purposes of section 17A of the Act and modifies section 17A in relation to such a person.

Part 5 of (and schedules 1 to 6, 7 and 8 to) the Regulations prescribe the terms which, in accordance with sections 17K and 17N of the Act, must be included in a general medical services contract (in addition to those contained in the Act).

The prescribed terms include terms relating to—

- (a) the type and duration of the contract (regulations 14 to 17);
- (b) the services to be provided (regulations 18, 19 and 21 to 23 and schedule 1), the manner in which they are to be provided (Part 1 of schedule 6) and the procedures for opting out of additional (regulation 20 and schedule 2);
- (c) the issuing of medical certificates (regulation 25 and schedule 4);
- (d) finance, fees and charges (regulations 26 to 28 and schedule 5);
- (e) patient registration and removal, lists closures and assignments (schedule 6, Part 2 and schedule 7);
- (f) prescribing and dispensing (schedule 6, Part 3);
- (g) the conditions to be met by those who perform services or are employed or engaged by the contractor (schedule 6, Part 4);
- (h) patient records, the provision of information and rights of entry (schedule 6, Part 5 and schedule 8);
- (i) complaints (schedule 6, Part 6);
- (j) procedures for dispute resolution (schedule 6, Part 7); and
- (k) procedures for variation and termination of contracts (schedule 6, Part 8).

Part 6 of the Regulations prescribes functions for area medical committees.

Part 7 of the Regulations makes transitional provision for persons continuing to provide out of hours services, notwithstanding the repeal of the National Health Service (Primary Medical Services Section 17C Agreements)(Scotland) Regulations 2004.

Part 8 of (and schedules 9 and 10 to) the Regulations amends or revokes provisions of existing legislation in consequence of the making of these Regulations.

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018.