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SCOTTISH STATUTORY INSTRUMENTS

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**2018 No. 66**

**The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018**

**PART 7**

**TRANSITIONAL PROVISIONS**

**Out of hours**

**33.**—(1) Where on 31st March 2018 a contract included a requirement to provide out of hours services pursuant to regulation 32 of the 2004 Regulations—

- (a) the contract must continue to require the contractor to provide out of hours services; and
- (b) despite the revocation of the 2004 Regulations<sup>(1)</sup>, the provisions of the 2004 Regulations referred to in paragraph (2) will continue to have effect in relation to that contract on and after 1st April 2018 as they had effect immediately before that date,

until one of the end dates in paragraph (3) occurs.

(2) The provisions of the 2004 Regulations are—

- (a) regulation 2, only in so far as that regulation relates to the definitions for “out of hours period” and “out of hours services”;
- (b) regulations 30, 31 and 32;
- (c) paragraphs 10, 11<sup>(2)</sup>, 12(c), 13(c), 63, 64 and 65 of schedule 5;
- (d) schedule 6; and
- (e) paragraph 18 of schedule 8.

(3) The end dates referred to in paragraph (1) are—

- (a) where a contractor—
  - (i) has served an out of hours opt out notice under paragraph 4(2) of schedule 2 of the 2004 Regulations in the period from 12th November 2017 to 31st March 2018; or
  - (ii) serves on the Health Board a written notice stating that the contractor wishes to terminate its obligation to provide out of hours services under its contract,the end date is the date 9 months after the date of service of the notice or such earlier date as the Health Board and the <sup>[F1]</sup>contractor agree; and
- (b) where on or after 1st April 2018, the contractor enters into an arrangement with the Health Board to provide out of hours services, the end date is the date the contractor commences providing out of hours services under the arrangement, or such other date as the Health Board and the contractor agree.

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(1) [S.S.I. 2004/115](#) is revoked by regulation 34 and schedule 9 of these Regulations.

(2) Paragraph 11 of schedule 5 of [S.S.I. 2004/115](#) was amended by [S.S.I. 2011/211](#).

(4) The contractor’s duty to provide out of hours services under the contract will terminate with effect from 0800 hours on the end date referred to in paragraph (3) unless the Health Board and the contractor agree a different date or time.

(5) Nothing in paragraphs (1) to (4) prevents the contractor and the Health Board from agreeing a different date for the termination of the contractor’s duty under the contract to provide out of hours services and accordingly varying the contract in accordance with paragraph 94(1) of schedule 6.

(6) Prior to the [<sup>F2</sup>contractor’s] duty to provide out of hours services under the contract ceasing, the Health Board and the [<sup>F3</sup>contractor] must discuss how to inform patients of any change to the out of hours services which the contractor provides.

(7) The contractor must, if requested by the Health Board, inform the contractor’s registered patients of the change in service by the contractor and the arrangements made for them to receive out of hours services by—

- (a) placing a notice in the practice’s waiting room; and
- (b) including the information in the practice leaflet.

**F1** Word in reg. 33(3)(a) substituted (1.4.2018) by [The National Health Service \(General Medical Services Contracts and Primary Medical Services Section 17C Agreements\) \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/94\)](#), regs. 1, **6(a)**

**F2** Word in reg. 33(6) substituted (1.4.2018) by [The National Health Service \(General Medical Services Contracts and Primary Medical Services Section 17C Agreements\) \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/94\)](#), regs. 1, **6(b)(i)**

**F3** Word in reg. 33(6) substituted (1.4.2018) by [The National Health Service \(General Medical Services Contracts and Primary Medical Services Section 17C Agreements\) \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/94\)](#), regs. 1, **6(b)(ii)**

**Modifications etc. (not altering text)**

**C1** Reg. 33 applied (with modifications) by S.S.I. 2004/163, art. 62A (as inserted (1.4.2018) by [The National Health Service \(General Medical Services Contracts\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/66\)](#), reg. 1, **sch. 10 para. 4(30)** (with reg. 2))

**[<sup>F4</sup>Transitional arrangements for vaccination and immunisation services**

**33A.—(1)** Where on 17 October 2021 a contract included a requirement to provide the vaccinations and immunisations additional service, the childhood vaccinations and immunisations additional service, or both services in accordance with schedule 1—

- (a) the Health Board may serve notice to the contractor requiring the contractor to continue to provide the vaccinations and immunisations additional service, the childhood vaccinations and immunisations additional service, or both services, for a period specified in the notice;
- (b) despite the revocation of paragraphs 4 and 5 of schedule 1, where the Health Board has given notice under sub-paragraph (a), paragraphs 4 and 5 of schedule 1 continue to have effect in relation to that contract on and after 18 October 2021 as they had effect immediately before that date, until the end of the period specified in the notice; and
- (c) where the Health Board has given notice under sub-paragraph (a), in relation to that contract, the definition of “additional services” in regulation 3(1) is to be read as including “vaccinations and immunisations” and “childhood vaccinations and immunisations”.

(2) A notice served by the Health Board under paragraph (1)(a) must—

- (a) be served not later than 1 December 2021; and
- (b) specify a period which ends no later than 1 April 2022.

[<sup>F5</sup>(3) A notice served by the Health Board under sub-paragraph (1)(a) must list all of the vaccinations and immunisations which the contractor is required to provide as a consequence of the notice, as of the date of the notice.

(4) A letter stating that the contractor is to continue to provide the vaccinations and immunisations additional service, the childhood vaccinations and immunisations additional service, or both services, for a period specified in the letter, which is sent by the Health Board to the contractor's official correspondence address (specified in accordance with regulation 14) before the coming into force of this regulation is deemed to have the same effect as a notice under sub-paragraph (1)(a), if it complies with the requirements of this regulation.]

(5) The Health Board may reduce the duration of the period specified in a notice served under paragraph (1)(a) by serving the contractor with a further notice.

(6) Where the contractor is required to provide vaccination services in accordance with schedule 2A, the contractor's obligation to provide services in accordance with a notice served under paragraph (1)(a) will end on the date on which the contractor's obligation to provide vaccination services begins.

(7) Subject to paragraph (9), prior to the contractor's duty to provide vaccination and immunisation services under this regulation ceasing the Health Board and the contractor must discuss how to inform patients of the change to how vaccinations and immunisations will be delivered to them.

(8) Subject to paragraph (9), if the Health Board requests it, the contractor must inform the contractor's patients of the change to how vaccinations and immunisations will be delivered to them by—

- (a) placing a notice in the practice's waiting room; and
- (b) including the information in the practice leaflet.

(9) Paragraphs (7) and (8) do not apply where the contractor is ceasing to provide the vaccinations and immunisations services under this regulation but will immediately begin providing vaccination services in accordance with schedule 2A.]

**F4** Reg. 33A inserted (18.10.2021) by The National Health Service (General Medical Services and Primary Medical Services Section 17C Agreements) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/302), regs. 1, **5**

**F5** Reg. 33A(3)(4) substituted (28.5.2022) by The National Health Service (General Medical Services Contracts and Primary Medical Services Section 17C Agreements) (Scotland) Amendment Regulations 2022 (S.S.I. 2022/130), regs. 1(2), **6**

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018, PART 7.