

SCHEDULE 10

Regulation 35

CONSEQUENTIAL AMENDMENTS

The National Health Service (Scotland) (Injury Benefits) Regulations 1998

1.—(1) The National Health Service (Scotland) (Injury Benefits) Regulations 1998⁽¹⁾ are amended as follows.

(2) In regulation 2 (interpretation), in the definition of “enhanced services”⁽²⁾, for “regulation 2(1) of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004” substitute “regulation 3(1) of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018”.

The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004

2.—(1) The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004⁽³⁾ are amended as follows.

(2) In regulation 2 (interpretation), in the definition of “General Medical Services Contracts Regulations”, for “the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004” substitute “the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018”.

(3) In schedule 1—

- (a) in paragraph 3(c)(i), for [^{F1}“paragraph 114 (gifts) of Schedule 5 (other contractual terms to”] substitute “paragraph 117 (gifts) of schedule 6 of”; and
- (b) in paragraph 3(d)(i), for “paragraph 114 of Schedule 5 to” substitute “paragraph 117 (gifts) of schedule 6 of”.

F1 Words in sch. 10 para. 2(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, **10(a)**

The Primary Medical Services (Sale of Goodwill and Restrictions on Sub-contracting) (Scotland) Regulations 2004

3.—(1) The Primary Medical Services (Sale of Goodwill and Restrictions on Sub-contracting) (Scotland) Regulations 2004⁽⁴⁾ are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “enhanced services”, in both places it appears, for “2(1)” substitute “3(1)”;
- (b) in the definition of “essential services”, for “15(3), (5), (6) and (8)” substitute “18(3), (5), (6) and (8)”;
- (c) in the definition of “GMS Contracts Regulations”, for “the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004” substitute “the

(1) [S.S.I. 1998/1594](#) as relevantly amended by [S.S.I. 2005/512](#).

(2) The definition of “enhanced services” was amended by [S.S.I. 2005/512](#).

(3) [S.S.I. 2004/114](#).

(4) [S.S.I. 2004/162](#).

Changes to legislation: There are currently no known outstanding effects for the *The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018, SCHEDULE 10.* (See end of Document for details)

National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018”.

The General Medical Services and Section 17C Agreements (Transitional and other Ancillary Provisions) (Scotland) Order 2004

4.—(1) The General Medical Services and Section 17C Agreements (Transitional and other Ancillary Provisions) (Scotland) Order 2004⁽⁵⁾^[F2:is] amended as follows.

(2) In article 1(2) (interpretation)—

(a) omit the definition of “the 2004 Regulations”;

(b) insert the following definition at the appropriate place—

““the GMS Contracts Regulations” means the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018;”;

(c) in the definition of “list of patients”, in paragraph (b), for “paragraph 14 of Schedule 5 to” substitute “paragraph 11 of schedule 6 of”;

(d) in the definition of “practice premises”, for the second “regulation 2(1)” substitute “regulation 3(1)”; and

(e) in the definition of “temporary resident”, for “paragraph 16 of Schedule 5 to” substitute “paragraph 13 of schedule 6 of”.

(3) In article 3(a) (applications for inclusion in list of patients), for “paragraph 15 of Schedule 5 to” substitute “paragraph 12 of schedule 6 of”.

(4) In article 4 (acceptance of applications for inclusion in lists of patients)⁽⁶⁾—

(a) in ^[F3]paragraph (1)(a), for “paragraph 15(5) of Schedule 5 to” substitute “paragraph 12(5) of schedule 6 of”; and

(b) omit paragraph (2).

(5) In article 5(a) (removal from the list of patients at the request of the patient)—

(a) for “paragraph 19 of Schedule 5 to” substitute “paragraph 16 of schedule 6 of”; and

(b) for “19(3)(b)” substitute “16(3)(b)”.

(6) In article 6(2)(a) (removal from the list of patients at the request of the relevant medical practitioner), for “paragraph 20(8) of Schedule 5 to” substitute “paragraph 17(8) of schedule 6 of”.

(7) In article 8(a) (removals from the list of patients who have moved)—

(a) for “paragraph 24 of Schedule 5 to” substitute “paragraph 21 of schedule 6 of”; and

(b) for “paragraph 24(a)” substitute “paragraph 21(a)”.

(8) In article 10(a) (applications for acceptance as a temporary resident) for “paragraphs 16 and 17 of Schedule 5 to” substitute “paragraphs 13 and 14 of schedule 6 of”.

(9) In article 11(2)(a) (acceptance of temporary residents), for “paragraph 16 of Schedule 5 to” substitute “paragraph 13 of schedule 6 of”.

(10) In article 14(3)(a) (newly registered patients), for “paragraph 4 of Schedule 5 to” substitute “paragraph 5 of schedule 6 of”.

(11) In article 15 (appointments system), for paragraph 74(c) of Schedule 5 to” substitute “paragraph 78(c) of schedule 6 of”.

(5) [S.S.I. 2004/163](#).

(6) Article 4(1) was amended by [S.S.I. 2004/223](#).

(12) In article 18(1)(a) (patient records), for “paragraph 66 of Schedule 5 to” substitute “paragraph 68 of schedule 6 of”.

(13) In article 19(1)(a) (rights of entry), for “paragraph 81 of Schedule 5 to” substitute “paragraph 86 of schedule 6 of”.

(14) In article 22(a) (complaints relating to general medical services made after 31st March 2004), for “paragraph 82 of Schedule 5 to” substitute “paragraph 87 of schedule 6 of”.

(15) In article 23(1)(a) (reports to a medical officer), for “paragraph 72 of Schedule 5 to” substitute “paragraph 76 of schedule 6 of”.

(16) In article 24 (arrangements with organisations providing deputy doctors)—

(a) in paragraph (1)(7), for “paragraph 103(1) of Schedule 5 to” substitute “paragraph 106(1) of schedule 6 of”;

(b) in paragraph (2), for “paragraph 103(6) of Schedule 5 to” substitute “paragraph 106(6) of schedule 6”;

(c) in paragraph (3), for “paragraph 103(1) of Schedule 5 to” substitute “paragraph 106(1) of schedule 6 of”.

(17) In article 25(4)(b) (practice leaflet), for “regulation 2(1)” substitute “regulation 3(1)”.

(18) In article 29(2) (arrangements for GP registrars), for “regulation 2(1)” substitute “regulation 3(1)”.

(19) In article 35(1) (carry over of approvals, applications, notices etc.)—

(a) in sub-paragraph (j), for “paragraph 18 of Schedule 5 to” substitute “paragraph 15 of schedule 6 of”;

(b) in sub-paragraph (l), for “paragraphs 66(6) or 79(1) or (3) of Schedule 5 to” substitute “paragraphs 68(5), or 84(1) or (3) of schedule 6 of”;

(c) in sub-paragraph (m), for “paragraph 20(3) of Schedule 5 to” substitute “paragraph 17(3) of schedule 6 of”.

(20) In article 36 (newly registered patients)—

(a) in paragraph (1), in both places it appears, for “paragraph 4 of Schedule 5 to” substitute “paragraph 5 of schedule 6 of”;

(b) in paragraph (2), for “paragraph 4(2) of Schedule 5 to” substitute “paragraph 5(2) of schedule 6 of”.

(21) In article 37 (temporary residents), in both places it appears, for “paragraph 16 of Schedule 5 to” substitute “paragraph 13 of schedule 6 of”.

(22) In article 38 (provision of immediately necessary treatment), for “regulation 15” substitute “regulation 18”.

(23) In article 39 (removals from the list of patients)—

(a) in paragraph (1), for “paragraph 19(3) of Schedule 5 to” substitute “paragraph 16(3) of schedule 6 of”;

(b) in paragraph (2), in both places it appears, for “paragraph 23 of Schedule 5 to” substitute “paragraph 20 of schedule 6 of”;

(c) in paragraph (3), in both places it appears, for “paragraph 24 of Schedule 5 to” substitute “paragraph 21 of schedule 6 of”.

(24) In article 40 (requirement to provide dispensing services)—

(a) in paragraph (1), for “Schedule 5 to” [F4 substitute] “schedule 6 of”; and

(7) Article 24(1) was amended by [S.S.I. 2004/223](#).

Changes to legislation: There are currently no known outstanding effects for the *The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018, SCHEDULE 10.* (See end of Document for details)

- (b) in paragraph (2), for “regulation 2(1) substitute “regulation 3(1)”.
- (25) In article 42 (complaints)—
- (a) in paragraph (1), in both places it appears, for “paragraph 82 of Schedule 5 to” substitute “paragraph 87 of schedule 6 of”; and
- (b) in paragraph (2), for “paragraphs 82 to 86 and 88 of Schedule 5 to” substitute “paragraph 88 of schedule 6”.
- (26) In article 43(1) (refund of fees)—
- (a) for “regulation 24(3)” substitute “regulation 28(3)”; and
- (b) for “regulation 24(4)” substitute “regulation 28(4)”.
- (27) In article 44(1)(a) (annual returns and reviews), for “paragraph 73 of Schedule 5 to” substitute “paragraph 77 of schedule 6 of”.
- (28) In article 46 (grounds for termination of the general medical services contract), in both places it appears, for “paragraph 101 of Schedule 5 to” substitute “paragraph 103 of schedule 6 of”.
- (29) Omit Part 6.
- (30) Insert after Article 61—

“PART 6A

APPLICATION OF THE NATIONAL HEALTH SERVICE (GENERAL MEDICAL SERVICES) (SCOTLAND) REGULATIONS 2018

Provision of out of hours services

62A. Regulation 33 of the *GMS Contracts Regulations* shall apply to all contracts, including default contracts, to which Part 6 of this Order applied on 31st March 2018, as if these contracts were contracts which included a requirement to provide out of hours services pursuant to regulation 32 of the *National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004*⁽⁸⁾ on 31st March 2018. ”.

(31) In article 79(3) (determination of a Health Board or the Scottish Ministers made before the relevant date), for “paragraph 103(7) of Schedule 5 to” substitute “paragraph 106(7) of schedule 6 of”.

(32) In article 80(5) (determination of a Health Board made on or after the relevant date), for “paragraph 103(7) of Schedule 5 to” substitute “paragraph 106(7) of schedule 6 of”.

(33) In article 81(8) (appeals to the Scottish Ministers against determinations of Health Boards), for paragraph 103(7) of Schedule 5 to” substitute “paragraph 106(7) of schedule 6 of”.

(34) Wherever it appears in the Order, for “the 2004 Regulations” substitute “the *GMS Contract Regulations*”.

(35) In articles 16, 17⁽⁹⁾, 29(1)(a), 35(1)(k) and (2), 41(1) and 45(2), wherever it appears, for “Schedule 5 to” substitute “schedule 6 of”.

F2 Word in sch. 10 para. 4(1) 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, **10(b)(i)**

⁽⁸⁾ [S.S.I. 2004/115](#).

⁽⁹⁾ Article 17 was amended by [S.S.I. 2004/223](#).

Changes to legislation: There are currently no known outstanding effects for the *The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018, SCHEDULE 10*. (See end of Document for details)

- F3** Words in sch. 10 para. 4(4)(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, **10(b)(ii)**
- F4** Word in sch. 10 para. 4(24)(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, **10(b)(iii)**

The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009

5.—(1) The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009(**10**) are amended as follows.

- (2) In [^{F5}regulation 2(1)] (interpretation and application)—
- (a) in paragraph (b) of the definition of “appropriate non-proprietary name”, for “Schedule 5 to” substitute “schedule 6 of”;
 - (b) in paragraph (a) of the definition of “dispensing doctor”(**11**), for “paragraph 44 of Schedule 5 to the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004” substitute “paragraph 44 of schedule 6 of the GMS Contracts Regulations”;
 - (c) in the definition of “GMS Contracts Regulations”, for “the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004” substitute “the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018”; and
 - (d) in paragraph (b) of the definition of “scheduled drug”, for “Schedule 5 to” substitute “schedule 6 of”.

- F5** Words in sch. 10 para. 5(2) 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, **10(c)**

The National Health Service Superannuation Scheme (Scotland) Regulations 2011

6.—(1) The National Health Service Superannuation Scheme (Scotland) Regulations 2011(**12**) are amended as follows.

- (2) In regulation A2(4) (interpretation)—
- (a) in paragraph (a) of the definition of “additional services”, for “Schedule 1 to the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004” substitute “schedule 1 of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018”;
 - (b) in the definition of “certification services”, for “Schedule 3 to the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004” substitute “schedule 4 of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018”;
 - (c) in the definition of “enhanced services”, in both places it appears, for “regulation 2(1) of the National Health Service (General Medical Services Contracts) (Scotland) Regulations

(10) [S.S.I. 2009/183](#).

(11) The definition of dispensing doctor was inserted by [S.S.I. 2011/32](#).

(12) [S.S.I. 2011/117](#).

Changes to legislation: There are currently no known outstanding effects for the *The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018, SCHEDULE 10*. (See end of Document for details)

2004” substitute “regulation 3(1) of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018”; and

- (d) in the definition of “essential services”, for “regulation 15 of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004” substitute “regulation 18 of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018”.

The Patient Rights (Complaints Procedure and Consequential Provisions) (Scotland) Regulations 2012

7.—(1) The Patient Rights (Complaints Procedure and Consequential Provisions) (Scotland) Regulations 2012⁽¹³⁾ are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation), for [F6sub-paragraph (a)(i)] of the definition of “relevant complaints procedure”, substitute—

- “(i) part 6 of schedule 6 of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018;”.

F6 Words in sch. 10 para. 7(2) 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, **10(d)**

The National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013

8.—(1) The National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013⁽¹⁴⁾ are amended as follows.

(2) In regulation 2.A.1 (interpretation of Part 2: general)—

(a) omit the definition of “the 2004 Regulations”; and

(b) insert the following definition at the appropriate place—

““the GMS Contracts Regulations” means the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018;”;

(c) for “the 2004 Regulations”, wherever they occur, substitute “the GMS Contracts Regulations”; and

(d) in the definition of “certification services”, for “Schedule 3 (list of prescribed medical certificates) to” substitute “schedule 4 (list of prescribed medical certificates) of”.

(3) In regulation 3.A.1 (interpretation of Part 3: general)—

(a) omit the definition of “the 2004 Regulations”;

(b) insert the following definition at the appropriate place—

““the GMS Contracts Regulations” means the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018;”;

(c) for “the 2004 Regulations”, wherever they occur,, substitute “the GMS Contracts Regulations”; and

(d) in the definition of “certification services”, for “Schedule 3 (list of prescribed medical certificates) to” substitute “schedule 4 (list of prescribed medical certificates) of”;

⁽¹³⁾ S.S.I. 2012/36.

⁽¹⁴⁾ S.S.I. 2013/174.

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018, SCHEDULE 10. (See end of Document for details)

- (e) in the definition of “enhanced services”, in both places it appears, for “2(1)” substitute “3(1)”; and
- (f) in the definition of “essential services”, for “15” substitute “18”.

The Public Bodies (Joint Working) (Prescribed Health Board Functions) (Scotland) Regulations 2014

9.—(1) The Public Bodies (Joint Working) (Prescribed Health Board Functions) (Scotland) Regulations 2014⁽¹⁵⁾ are amended as follows.

(2) In paragraph 1 of schedule 3 (interpretation of schedule 3), in the definition of “out of hours period”, for “regulation 2 of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004” substitute “regulation 3 of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018”.

National Health Service Pension Scheme (Scotland) Regulations 2015

10.—(1) The National Health Service Pension Scheme (Scotland) Regulations 2015⁽¹⁶⁾ are amended as follows.

(2) In paragraph 2(2) of schedule 8, in paragraph (i) of CASE 1, for “the 2004 Regulations” substitute “the GMS Contracts Regulations”.

(3) In schedule 13 (Definitions)—

- (a) omit the definition of “the 2004 Regulations”;
- (b) insert the following definition at the appropriate place—

““the GMS Contracts Regulations” means the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018”;
- (c) for “the 2004 Regulations”, wherever they occur, substitute “the GMS Contracts Regulations”;
- (d) in the definition of “certification services”, for “Schedule 3 to” substitute “schedule 4 of”;
- (e) in the definition of “enhanced services”, for “2(1)” substitute “3(1)”; and
- (f) in the definition of “essential services”, for “15” substitute “18”.

⁽¹⁵⁾ S.S.I. 2014/344.

⁽¹⁶⁾ S.S.I. 2015/94.

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018, SCHEDULE 10.