

## SCHEDULE 6

### OTHER CONTRACTUAL TERMS

#### PART 2

#### PATIENTS

##### **Refusal of application for inclusion in the list of patients or for acceptance as a temporary resident**

**14.**—(1) The contractor may only refuse an application made under paragraph 12 or 13 if it has reasonable grounds for doing so which do not relate to the applicant’s race, gender, social class, age, religion, sexual orientation, appearance, disability or medical condition.

(2) [<sup>F1</sup>Subject to sub-paragraph (5), the] reasonable grounds referred to in paragraph (1) may, in the case of applications made under paragraph 12, include the ground that the applicant does not live in the contractor’s practice area.

(3) A contractor which refuses an application made under paragraph 12 or 13 must, within 14 days of its decision, notify the applicant (or, in the case of a child or incapable adult, the person making the application on their behalf) in writing of the refusal and the reason for it.

(4) The contractor must keep a written record of refusals of applications made under paragraph 12 and of the reasons for them and must make this record available to the Health Board on request.

[<sup>F2</sup>(5) For the purpose of sub-paragraph (2), “reasonable grounds” do not include refusal of an application from a person who—

- (a) at the time of making the application, is detained in a prison, a young offenders institution or the state hospital, and
- (b) will live after their release from detention in the contractor’s practice area.

(6) For the purpose of sub-paragraph (5)—

“young offenders institution” has the meaning given in section 19(1)(b) of the Prisons (Scotland) Act 1989, and

“state hospital” has the meaning given in section 102 of the National Health Service (Scotland) Act 1978.]

##### **Textual Amendments**

**F1** Words in sch. 6 para. 14(2) substituted (30.11.2023) by The National Health Service (General Medical Services Contracts and Primary Medical Services Section 17C Agreements) (Miscellaneous Amendments) (Scotland) Regulations 2023 (S.S.I. 2023/281), regs. 1, **2(3)(a)**

**F2** Sch. 6 para. 14(5)(6) inserted (30.11.2023) by The National Health Service (General Medical Services Contracts and Primary Medical Services Section 17C Agreements) (Miscellaneous Amendments) (Scotland) Regulations 2023 (S.S.I. 2023/281), regs. 1, **2(3)(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018, Paragraph 14.