SCOTTISH STATUTORY INSTRUMENTS

2004 No. 217

NATIONAL HEALTH SERVICE

The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Amendment Regulations 2004

Made - - - -	*13th May 2004*
Laid before the Scottish Parliament - - - -	*14th May 2004*
Coming into force - -	*7th June 2004*

The Scottish Ministers, in exercise of the powers conferred by sections 17E, 105(7), 106(a) and 108(1) of the National Health Service (Scotland) Act 1978(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Amendment Regulations 2004 and shall come into force on 7th June 2004.

Amendment of the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004

2.—(1) The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004(**2**) shall be amended as provided in this regulation.

(2) In regulation 2 (interpretation) in paragraph (a)(iii) of the definition of "patient" for "person" substitute "persons".

(3) In regulation 11 (essential services and content of agreements)–

(a) in paragraph (2) for "22(8)(a)" substitute "21(8)(a)"; and

(b) in paragraph (3) for "23(6) to (8)" substitute "23(5) to (7)".

(**1**) 1978 c. 29. Section 17E was inserted by the National Health Service (Primary Care) Act 1997 (c. 46), section 22(2) and amended by the Health Act 1999 (c. 8) ("the 1999 Act"), Schedule 4, paragraph 47 and the Primary Medical Services (Scotland) Act 2004 (asp 1), section 2(4); section 105(7) was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 5 and Schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24 and the 1999 Act, Schedule 4, paragraph 60; section 108(1) defines "prescribed" and "regulations" . The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**2**) S.S.I. 2004/116.

(4) In regulation 12 (additional services and content of agreements) for "Regulation" substitute "Regulations".

(5) In regulation 21 (finance) for "sections" substitute "section".

(6) In regulation 22(1) (fees and charges) before "provisions" insert "the".

(7) In Schedule 1 (content of agreements)–

(a) in paragraph 8(3)(b) (patient preference of practitioner) omit "by";

(b) in paragraph 25 (training) for "has" substitute "there are";

(c) in paragraph 40(b) (notifications to the Health Board) for "66 or 67" substitute "65 or 66";

(d) in paragraph 42(2)(a) (notice provisions specific to agreements with one or more companies limited by shares) before "a person" insert "is";

(e) in paragraph 56(9)(a)(NHS dispute resolution procedure) for "he has" substitute "they have";

(f) in paragraph 57 (determination of dispute)–

(i) in sub-paragraph (1) omit "its"; and

(ii) in sub-paragraph (3) for "adjudicators" substitute "adjudicator's" in both places where it occurs;

(g) in paragraph 59(1) (variation of an agreement: general) for "60, 61" substitute "62";

(h) in paragraph 66 (other grounds for termination by the Health Board)–

(i) in sub-paragraph (3)(g) for "(5)" substitute "(6)";

(ii) in sub-paragraph (4) for "(2)(c)" substitute "(3)(b)";

(iii) in sub-paragraph (5) for "(2)(d)" substitute (3)(c)";

(iv) in sub-paragraph (6) for "(2)(h)" substitute "(3)(g)"; and

(i) in paragraph 78(5) (gifts) for "his" substitute "the patient's".

(8) In Schedule 2 (agreements to provide essential services)–

(a) in paragraph 1(7) (essential services) before "necessary" insert "immediately";

(b) in paragraph 4(2) (newly registered patients) for "to" in the first place where it occurs substitute "shall";

(c) in paragraph 13(3) (removal from the list at the request of the provider) omit "that the patient" in the second place where it appears;

(d) in paragraph 23(9)(rejection of closure notice by the Health Board) for "liability" substitute "ability";

(e) in paragraph 28 (assignments to closed lists: NHS dispute resolution procedure relating to determinations of the assessment panel)–

(i) in sub-paragraph (3)(a) after "28(1)" insert "of Schedule 2"; and

(ii) in sub-paragraph (3)(b) for "21(7)" substitute "27(7)"; and

(f) in paragraph 31 (notifications to the Health Board)–

(i) omit ", where the provider has a provider's list of patients,"; and

(ii) for "1(1)(c) or (d) of Schedule 2" substitute "1(5) or (7)".

(9) In Schedule 5 (closure notice)–

(a) before "Section" insert "Primary Medical Services"; and

(b) for "ore" substitute "or".

(10) In Schedule 6 (information to be included in practice leaflets)–