SCOTTISH STATUTORY INSTRUMENTS

2004 No. 167

NATIONAL HEALTH SERVICE

The Primary Medical Services (Scotland) Act 2004 (Modification of Enactments) Order 2004

Made - - - -	*30th March 2004*
Coming into force - -	*1st April 2004*

The Scottish Ministers, in exercise of the powers conferred by section 7(1) and (2) of the Primary Medical Services (Scotland) Act 2004(**1**), and of all other powers enabling them in that behalf, hereby make the following Order, a draft of which has, in accordance with section 7(5) of that Act, been laid before and approved by resolution of the Scottish Parliament:

Citation and commencement

1. This Order may be cited as the Primary Medical Services (Scotland) Act 2004 (Modification of Enactments) Order 2004 and shall come into force on 1st April 2004.

Modifications of enactments

2. The modifications of the enactments listed in the Schedule to this Order shall have effect.

St Andrew's House, Edinburgh
30th March 2004

MALCOLM CHISHOLM
A member of the Scottish Executive

(**1**) 2004 asp 1.

SCHEDULE Article 2

MODIFICATION OF ENACTMENTS

National Health Service (Scotland) Act 1978 (c. 29)

1.—(1) The National Health Service (Scotland) Act 1978 is amended as follows–

(a) In section 29(6) (the NHS tribunal)(**2**) omit ", are approved to assist in providing or are approved to perform".

(b) In section 29C(5) (conditional disqualification etc)(**3**) after paragraph (a) insert–

"(aa) vary any requirements to which the person subject to the inquiry is subject under or by virtue of section 17P;".

(2) In section 31 (disqualification provisions in England or Wales or Northern Ireland)(**4**)–

(a) in subsection (1)(a), after "persons" insert "performing,"; and

(b) in subsection (2)–

(i) omit ", assistance in provision" where those words appear for the second time, and

(ii) after "Part," insert "Part 1 of this Act,".

(3) In section 32A (applications for interim suspension)(**5**)–

(a) in subsection (2A)(a) after "with" insert "primary medical services or".

(b) in subsection (6)(a)–

(i) after "persons" insert "performing or", and

(ii) omit ", approved to assist in providing or approved to perform".

(4) In section 32D (suspension provisions in England, Wales or in Northern Ireland)(**6**)–

(a) in subsection (1), after "persons" insert "performing,"; and

(b) in subsection (2)(a)–

(i) after "persons" insert "performing or; and

(ii) omit ", approved to assist in providing or approved to perform".

Health and Medicines Act 1988 (c. 49)

2. In section 17 (arrangements for provision of general medical services and other services)(**7**) of the Health and Medicines Act 1988–

(a) in subsection (1)–

(i) substitute "17P" for "19", and

(**2**) Section 29 was substituted by the Health Act 1999 (c. 8) ("the 1999 Act"), section 58(1); section 29(6) was amended by the Community Care and Health (Scotland) Act 2002 asp 5 ("the 2002 Act"), Schedule 2 paragraph 2(4)(a) and the Primary Medical Services (Scotland) Act 2004 asp 1, section 5(3)(a).

(**3**) Section 29C was inserted by the 1999 Act, section 58(1).

(**4**) Relevant amendments to section 31 were made by the 1999 Act, Schedule 4, paragraph 49, and the 2002 Act, Schedule 2, paragraph 2(8).

(**5**) Section 32A was inserted by the National Health Service (Amendment) Act 1995 (c. 31) ("the 1995 Act"), section 8; section 32(2A) was inserted by the 1999 Act, Schedule 4, paragraph 51(c) and amended by the 2002 Act, Schedule 2, paragraph 2(9)(a); and section 32A(6) was amended by the 1999 Act, Schedule 4, paragraph 51(g) and the 2002 Act, Schedule 2, paragraph 2(9)(c).

(**6**) Section 32D was inserted by the 1995 Act, section 8 and amended by the 1999 Act, Schedule 4, paragraph 53 and by the 2002 Act Schedule 2, paragraph 2(11).

(**7**) Relevant amendments to section 17(1) were made by the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedule 11, paragraph 55.