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## SCHEDULE **S**

(introduced by section 8)

### MODIFICATION OF ENACTMENTS

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

- 1 (1) The 1978 Act is amended as follows.
- (2) In section 15(1)(a) (supply of goods and services to local authorities etc.)—
- (a) in sub-paragraph (i), for “general medical,” substitute “ primary medical services under a general medical services contract or ”,
  - (b) in sub-paragraph (ii), for “personal medical services” substitute “ primary medical services ”.
- (3) In section 17D(2), after the definition of “section 28C arrangements” the word “and” is repealed.
- (4) Sections 17EA (services lists in relation to section 17C arrangements etc. for personal medical services) and 17EB (application for inclusion in list) are repealed.
- (5) Section 17F (right to choose medical practitioner in relation to primary medical services) is repealed.
- (6) In section 17I (making available by Scottish Ministers of accommodation for use in connection with section 17C arrangements), for “personal medical services” substitute “ primary medical services ”.
- (7) Sections 19 (arrangements etc. in relation to general medical services) to 23 (refusal of application: provision of services adequate) and 24A (liabilities and obligations in relation to deputies) to 24C (application for inclusion in supplementary list) are repealed.
- (8) In section 28(1) (persons authorised to provide pharmaceutical services), for “general medical services” substitute “ primary medical services under Part 1 ”.
- (9) In section 28A(1) (remuneration for provision of Part II services), the words “general medical services,” are repealed.
- (10) In section 28B(6) (Part II remuneration: supplementary), for “sections 19(3) and” substitute “ section ”.
- (11) In section 28C(3) (indemnity cover)—
- <sup>F1</sup>(a) .....
  - (b) in the definition of “Part II services”, the words “general medical services,” are repealed.
- (12) In section 29A (NHS Tribunal: supplementary), subsection (3A) is repealed.
- <sup>F2</sup>(13) .....
- (14) In section 35 (sale of medical practices)—
- (a) in subsection (1)—
    - (i) in paragraph (a) after “1972 or” insert “ (prior to its repeal) section 19 of ”,

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- (ii) in paragraph (b), at the end insert “ (prior to the coming into force of section 2C) ”,
  - (iii) after that paragraph insert “or
    - (c) provided or performed primary medical services in accordance with section 17C arrangements or arrangements under section 2C(2) or under a general medical services contract—
      - (i) in prescribed circumstances; or
      - (ii) if regulations so provide, in all circumstances,”
  - (b) in subsection (2), in the definition of “relevant area”—
    - (i) after “by arrangement” insert “ or contract ”,
    - (ii) for paragraphs (a) and (b) substitute “ provided or performed services as specified in subsection (1) ”.
- (15) Section 40(2)(vaccination and immunisation) is repealed.
- (16) In section 85AA (means of meeting expenditure of Health Boards out of public funds), in subsection (4)—
- (a) in paragraph (a)(ii), for “to (d)” substitute “ or (c) ”,
  - (b) paragraph (d) is repealed.
- (17) In section 108 (interpretation)—
- (a) after the definition of “functions”, insert—
    - ““general medical services contract” has the meaning given in section 17J(2);”
  - (b) the definitions of “medical list” and “personal medical services” are repealed,
  - (c) after the definition of “prescribed” insert—
    - ““primary medical services” is to be construed in accordance with section 2C(5);”
  - (d) the definitions of “services list” and “supplementary list” are repealed.

#### Textual Amendments

- F1** Sch. para. 1(11)(a) repealed (1.4.2006) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), s. 43(3), [Sch. 3](#); [S.S.I. 2006/121](#), art. 3(b), [Sch. 2](#)
- F2** Sch. para. 1(13) repealed (1.4.2006) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), s. 43(3), [Sch. 3](#); [S.S.I. 2006/121](#), art. 3(b), [Sch. 2](#)

#### Commencement Information

- I1** Sch. para. 1(1)(14) in force at 13.2.2004 for specified purposes by [S.S.I. 2004/58](#), art. 2(1), [Sch.](#) (with [art. 2\(2\)](#))
- I2** Sch. para. 1(1)(14) in force at 1.4.2004 in so far as not already in force by [S.S.I. 2004/58](#), [art. 2\(3\)](#)
- I3** Sch. para. 1(2)-(13)(15)-(17) in force at 1.4.2004 by [S.S.I. 2004/58](#), [art. 2\(3\)](#)

#### *National Health Service (Primary Care) Act 1997 (c.46)*

- 2 (1) The National Health Service (Primary Care) Act 1997 is amended as follows.

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- (2) In section 1 (pilot schemes)—
  - (a) subsection (1)(a) and the succeeding “or” are repealed,
  - (b) in subsection (2), the words from “personal medical services”, where they first occur, to “services or” are repealed,
  - (c) in subsection (3)—
    - (i) in paragraph (a), the words “personal medical services or” are repealed,
    - (ii) in paragraph (b), after “which” insert “ (not being primary medical services) ”,
  - (d) in subsection (5), paragraph (a) is repealed,
  - (e) in subsection (8), for the definition of “personal medical services” substitute—

““primary medical services” has the same meaning as for the purposes of Part I of the 1978 Act;”.
- (3) Section 2 (pilot schemes for provision of personal medical services) is repealed.
- (4) In section 5 (approval of pilot schemes for provision of personal medical services etc.), subsections (4) and (7) are repealed.
- (5) Sections 11 to 13 (medical practitioners to be suitably experienced and lists) and 15 (liabilities and obligations in relation to deputies) are repealed.
- (6) Section 23(2) (right to choose medical practitioner in relation to primary medical services) is repealed.
- (7) Section 33 (medical lists and vacancies for medical practitioners) is repealed.
- (8) In section 40(2) (interpretation), the definitions of “medical list” and “personal medical services” are repealed.
- (9) Schedule 1 (preferential treatment on transferring to medical lists) is repealed.
- (10) In Schedule 2 (amendments of enactments)—
  - (a) paragraphs 37 and 39 to 41 are repealed,
  - (b) paragraph 57, in so far as providing for a definition of “personal medical services”, is repealed.

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**Commencement Information**

**I4** Sch. para. 2 in force at 1.4.2004 by S.S.I. 2004/58, art. 2(3)

*Community Care and Health (Scotland) Act 2002 (asp 5)*

- 3 (1) The Community Care and Health (Scotland) Act 2002 is amended as follows.
- (2) Section 18 (services lists and supplementary lists) is repealed.
- (3) In schedule 2 (amendment of enactments), in paragraph 2—
  - (a) sub-paragraph (3) is repealed,
  - (b) sub-paragraph (12), in so far as providing for a definition of “medical list”, is repealed.

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**I5** Sch. para. 3 in force at 1.4.2004 by S.S.I. 2004/58, art. 2(3)

#### *Scottish Public Services Ombudsman Act 2002 (asp 11)*

- 4 (1) The Scottish Public Services Ombudsman Act 2002 is amended as follows.
- (2) In schedule 2 (listed authorities), in paragraph 5—
- (a) for sub-paragraph (a) substitute—
- “(a) a person (whether an individual or a body) providing primary medical services under a general medical services contract (within the meaning of the National Health Service (Scotland) Act 1978) or general dental services under Part II of that Act”,
- (b) in sub-paragraph (c), for “personal medical services” substitute “ primary medical services ”.
- (3) In schedule 4 (matters which Ombudsman must not investigate), in paragraph 14, for “19” substitute “ 17P ”.

#### Commencement Information

**I6** Sch. para. 4 in force at 1.4.2004 by S.S.I. 2004/58, art. 2(3)

#### *Freedom of Information (Scotland) Act 2002 (asp 13)*

- 5 In Part 4 (The National Health Service) of schedule 1 (Scottish public authorities) to the Freedom of Information (Scotland) Act 2002—
- (a) in paragraph 33—
- (i) for “general medical services,” substitute “ primary medical services under a general medical services contract (within the meaning of the National Health Service (Scotland) Act 1978) or ”,
- (ii) for “the National Health Service (Scotland) Act 1978” substitute “ that Act ”,
- (b) in paragraph 34, for “personal medical services” substitute “ primary medical services ”.

#### Commencement Information

**I7** Sch. para. 5 in force at 1.4.2004 by S.S.I. 2004/58, art. 2(3)

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**Changes and effects yet to be applied to :**

- sch. para. 1(8) repealed by [2005 asp 13 sch. 3](#)
- sch. para. 1(10) repealed by [2005 asp 13 sch. 3](#)
- sch. para. 1(16)(a) repealed by [2005 asp 13 sch. 3](#)