



# Tobacco and Primary Medical Services (Scotland) Act 2010

2010 asp 3

## PART 2

### PRIMARY MEDICAL SERVICES

#### **39 Eligibility to be contractor under general medical services contract**

(1) For section 17L of the 1978 Act substitute—

##### **“17L Eligibility to be contractor under general medical services contract**

- (1) A Health Board may, subject to such conditions as may be prescribed, enter into a general medical services contract with—
- (a) a medical practitioner,
  - (b) such other health care professional as may be prescribed,
  - (c) a qualifying partnership,
  - (d) a qualifying limited liability partnership, or
  - (e) a qualifying company.
- (2) For the purposes of subsection (1)—
- (a) a qualifying partnership is a partnership that satisfies both of the following conditions—
    - (i) at least one partner is a medical practitioner or other health care professional prescribed under subsection (1)(b),
    - (ii) all other partners are individuals,
  - (b) a qualifying limited liability partnership is a limited liability partnership that satisfies both of the following conditions—
    - (i) at least one member is a medical practitioner or other health care professional prescribed under subsection (1)(b),
    - (ii) all other members are individuals,

*Status: Point in time view as at 22/12/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Tobacco and Primary Medical Services (Scotland) Act 2010, Section 39. (See end of Document for details)*

- (c) a qualifying company is a company which satisfies both of the following conditions—
- (i) at least one member of the company is a medical practitioner or other health care professional prescribed under subsection (1)(b),
  - (ii) all other members are individuals.
- (3) A Health Board may only enter into a general medical services contract if the Board is satisfied that the contractor has sufficient involvement in patient care.
- (4) The contractor has sufficient involvement in patient care if—
- (a) where the contractor is a medical practitioner or other health care professional prescribed under subsection (1)(b), the contractor, or
  - (b) where the contractor is a partnership, limited liability partnership or a company, each partner or, as the case may be, member of the contractor,
- regularly performs, or is engaged in the day to day provision of, primary medical services in accordance with a general medical services contract, section 17C arrangements or any other arrangement made in pursuance of section 2C(2) (or will so perform or be so engaged by virtue of the contract in question).
- (5) Regulations may—
- (a) make provision as to what constitutes the regular performance of, or being engaged in the day to day provision of, primary medical services for the purposes of subsection (4),
  - (b) provide that references in subsection (4) to a person who is performing or is engaged in the provision of services include a person who has performed or been engaged in providing the services within such period as may be prescribed.
- (6) Regulations under subsection (5)(a) may, in particular, provide that a period of time in which a person is not performing or is not engaged in the provision of primary medical services is, in prescribed circumstances, to be disregarded for the purposes of determining whether the person regularly performs or is engaged in the day to day provision of those services.
- (7) In relation to a general medical services contract under which primary medical services are provided which is entered into with a partnership, regulations may make provision as to the effect on the contract of a change in membership of the partnership.
- (8) In this section, “health care professional” means a member of a profession which is regulated by a body mentioned (at the time the contract in question is made) in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002.”
- (2) In section 105(3) of the 1978 Act, after “under” where first occurring insert “ section 17L(1)(b) ”.

#### **Commencement Information**

**II** S. 39 in force at 8.11.2010 for specified purposes by S.S.I. 2010/372, art. 2(a), Sch. 1

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*Changes to legislation: There are currently no known outstanding effects for the Tobacco and Primary Medical Services (Scotland) Act 2010, Section 39. (See end of Document for details)*

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**12** S. 39 in force at 22.12.2010 in so far as not already in force by S.S.I. 2010/372, art. 2(b), **Sch. 2**

**Status:**

Point in time view as at 22/12/2010.

**Changes to legislation:**

There are currently no known outstanding effects for the Tobacco and Primary Medical Services (Scotland) Act 2010, Section 39.