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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 115**

**The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004**

**PART 5**

*Contracts: Mandatory Terms*

**Certificates**

**21.—(1)** A contract must contain a term which has the effect of requiring the contractor to issue free of charge to a patient or a patient's personal representatives any medical certificate of a description prescribed in column 1 of Schedule 3, which is reasonably required under or for the purposes of the enactments specified in relation to the certificate in column 2 of that Schedule, except where, for the condition to which the certificate relates, the patient—

- (a) is being attended by a medical practitioner who is not—
  - (i) employed or engaged by the contractor;
  - (ii) in the case of a contract with a partnership, one of the partners; or
  - (iii) in the case of a contract with a company limited by shares, one of the persons legally or beneficially owing the shares in that company; or
- (b) is not being treated by or under the supervision of a health care professional.

(2) The exception in paragraph (1)(a) shall not apply where the certificate is issued pursuant to regulation 2(1)(b) of the Social Security (Medical Evidence) Regulations 1976<sup>(1)</sup> (which provides for the issue of a certificate in the form of a special statement by a doctor on the basis of a written report made by another doctor).

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<sup>(1)</sup> S.I.1976/615. Regulation 2 was amended by S.I. 1982/699, 1992/247, 1994/2975, 1995/987 and 2000/590.