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Changes to legislation: There are currently no known outstanding effects for the Coronavirus Act 2020, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 4

EMERGENCY ARRANGEMENTS CONCERNING MEDICAL PRACTITIONERS: SCOTLAND

National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004

- 1 (1) The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 (S.S.I. 2004/114) have effect subject to the following modifications.
- (2) After regulation 3 insert—

“Temporary exception under the Coronavirus Act 2020

- 3A (1) A person who is registered in the GP Register by virtue of section 18A of the Medical Act 1983 (temporary registration with regard to emergencies) may perform primary medical services, despite not being included in the primary medical services performers list of a Health Board, provided that—
- (a) the person has made an application to a Health Board for inclusion in the list under regulation 6, and
 - (b) the person's application has not been refused or deferred under regulation 7 or 7B.
- (2) But a person may only perform primary medical services by virtue of this regulation in the area of a Health Board whose list they have applied to be included in.
- (3) Regulation 8 applies to a person who performs primary medical services by virtue of this regulation as it applies to a performer included in a primary medical services performers list (and the references to a “performer” in paragraph 3 of Schedule 1 are to be read as if they included persons who perform primary medical services by virtue of this regulation).”
- (3) After regulation 7A insert—

“Grounds for refusal and deferral under the Coronavirus Act 2020

- 7B (1) This regulation applies where a person who is registered in the GP Register by virtue of section 18A of the Medical Act 1983 (temporary registration with regard to emergencies) has made an application to a Health Board for inclusion in its primary medical services performers list.
- (2) But this regulation does not affect a Health Board's duties imposed by regulation 7 to refuse or defer an application by such a person.

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- (3) A Health Board may refuse the person's application for inclusion in its primary medical services performers list if—
- (a) the Health Board has received an allegation (in any manner) about either—
 - (i) conduct by the person about which the Health Board would have the power to make representations to the NHS Tribunal under section 29 of the National Health Service (Scotland) Act 1978, or
 - (ii) the person's involvement in a matter which they would be under a duty to disclose under paragraph 3 of Schedule 1, and
 - (b) the nature of the allegation is such that, were the person already included in its list, the Health Board would be satisfied that it would be necessary for the protection of members of the public, or otherwise in the public interest, to suspend the person from its list while it considered whether to remove them from its list.
- (4) A Health Board may defer determination of the person's application for inclusion in its primary medical services performers list if—
- (a) the person has declared any matter specified in paragraph 2(c) to (o) of Schedule 1, and
 - (b) the Health Board is satisfied that it is necessary for the protection of members of the public, or otherwise in the public interest, to complete its consideration of the person's application before the person is permitted to perform primary medical services.
- (5) Unless paragraph (6) applies, a person whose application is refused by a Health Board under paragraph (3) may not reapply for inclusion in the primary medical services performers list of any Health Board.
- (6) This paragraph applies where a person subsequently becomes registered in the GP Register as a fully registered person, within the meaning given by section 55(1) of the Medical Act 1983, otherwise than by virtue of section 18A of that Act.
- (7) A Health Board must notify an applicant in writing of a determination made under this regulation, and the reasons for it, within 7 days of making the determination.
- (8) An applicant may not appeal any determination made by a Health Board under this regulation.”
- (4) In regulation 13 (appeal to the Scottish Ministers) before paragraph (1) insert—
- “(A1) This regulation does not apply where a person's application for inclusion in a primary medical services performers list is refused under regulation 7B(3).”

National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018

- 2 (1) The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018 (S.S.I. 2018/66) have effect subject to the following modifications.
- (2) In paragraph 46 of Schedule 6 (contractual terms: qualifications of performers), after sub-paragraph (2) insert—

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“(2A) Sub-paragraph (1)(a) does not apply in the case of a person who is performing primary medical services by virtue of regulation 3A of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 (S.S.I. 2004/114).”

(3) In paragraph 50 of Schedule 6 (contractual terms: conditions for employment and engagement), after sub-paragraph (3) insert—

“(4) This paragraph does not apply in the case of a person who is performing primary medical services by virtue of regulation 3A of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 (S.S.I. 2004/114).”

(4) In paragraph 52 of Schedule 6 (contractual terms: conditions for employment and engagement), after sub-paragraph (3) insert—

“(4) This paragraph does not apply in the case of a person who is performing primary medical services by virtue of regulation 3A of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 (S.S.I. 2004/114).”

*National Health Service (Primary Medical Services
Section 17C Arrangements) (Scotland) Regulations 2018*

3 (1) The National Health Service (Primary Medical Services Section 17C Arrangements) (Scotland) Regulations 2018 (S.S.I. 2018/67) have effect subject to the following modifications.

(2) In paragraph 18 of Schedule 1 (content of agreements terms: qualifications of performers) after sub-paragraph (2) insert—

“(2A) Sub-paragraph (1)(a) does not apply in the case of a person who is performing primary medical services by virtue of regulation 3A of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 (S.S.I. 2004/114).”

(3) In paragraph 22 of Schedule 1 (content of agreements terms: conditions for employment and engagement) after sub-paragraph (4) insert—

“(5) This paragraph does not apply in the case of a person who is performing primary medical services by virtue of regulation 3A of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 (S.S.I. 2004/114).”

(4) In paragraph 24 of Schedule 1 (content of agreements terms: conditions for employment and engagement) after sub-paragraph (3) insert—

“(4) This paragraph does not apply in the case of a person who is performing primary medical services by virtue of regulation 3A of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 (S.S.I. 2004/114).”

Power to modify Schedule

4 (1) The Scottish Ministers may by regulations modify this Schedule.

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- (2) Regulations under sub-paragraph (1) are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).

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