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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for lists (“primary medical services performers lists) of general medical practitioners performing primary medical services for which Health Boards are, under section 2C(1) of the National Health Service (Scotland) Act 1978 (“the 1978 Act”), under a duty to provide or secure the provision of, to be kept by those Health Boards.

Regulation 3 provides that medical practitioners, subject to transitional provisions and exceptions for those who are provisionally registered or are GP Registrars, may not perform primary medical services for which a Health Board is under a duty to provide or secure the provision of unless they are included in a list maintained by the Health Board.

Regulations 4 and 5 provide for the preparation, maintenance and publication of lists by Health Boards.

Regulation 6 makes provision in relation to the applications for inclusion on primary medical services performers lists and Schedule 1 sets out the information, declarations and undertakings to be supplied on application.

Regulation 7 makes provision for the grounds on which an application must be refused or deferred.

Regulation 8 and paragraph 3 of Schedule 1 set out the requirements with which a performer included in a list must comply.

Regulations 9 and 10 make provision for removals of performers from the primary medical services performers list, including the grounds for removal, and regulation 11 makes provision to permit Health Boards to re include in a list persons removed on the grounds of a criminal conviction where there the person has successfully appealed against conviction, or in certain circumstances, sentence.

Regulation 12 sets out the circumstances in which a performer included in a primary medical services performers list may not withdraw from it.

Regulation 13 makes provision for appeals to the Scottish Ministers against decisions of Health Boards to refuse to include a person in a primary medical services performers list, or to remove them from the list on the ground that the person has not performed primary medical services in the last 12 months.

Regulation 14 makes provision for the disclosure of information by Health Boards about applicants for inclusion on primary medical services performers lists, refusals of applications, removals and references to the NHS Tribunal.

Regulation 15 provides for the making of payments by Health Boards to general medical practitioners who have been suspended by the NHS Tribunal under section 32A (applications for interim suspension) or section 32B (continuation of suspension pending appeal) or under corresponding provisions in force in England, Wales or Northern Ireland in consequence of that suspension.

Regulation 16 and Schedule 2 revoke, subject to any ancillary provisions made in an order under section 7 of the Primary Medical Services (Scotland) Act 2004, the National Health Service (General Medical Services) (Scotland) Regulations 1995 and the National Health Service (General Medical Services Supplementary Lists) (Scotland) Regulations 2003 and amendments to those Regulations, which provided for medical lists and supplementary lists of medical practitioners respectively.