
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 116

**The National Health Service (Primary Medical Services
Section 17C Agreements) (Scotland) Regulations 2004**

PART 6

CONTENT OF AGREEMENTS

Certificates

19.—(1) An agreement must contain a term which has the effect of requiring the provider 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 (list of prescribed medical certificates) to the GMS Contracts Regulations, 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 provider;
 - (ii) a party to the agreement;
 - (iii) in the case where a partnership is a party to the agreement, a partner in such a partnership; or
 - (iv) in the case where a company limited by shares is a party to the agreement, a person legally or beneficially owning shares in such a 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⁽¹⁾ (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).