
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 142

**The General Medical Services (Transitional and
Other Ancillary Provisions) (Scotland) Order 2004**

PART 5

CONTRACT TERMS

Status of contractor's list of patients for default contracts

31.—(1) The contractor's list of patients for the purposes of a default contract shall, for as long as that contract subsists, be open to applications from patients in accordance with the terms of the default contract, except in the circumstances specified in paragraph (2).

(2) The circumstances referred to in paragraph (1) are that—

(a) on 31st March 2004—

(i) in the case of a contract with an individual medical practitioner, that practitioner is exempt from the liability to have persons (other than a specified person) assigned to the practitioner under regulation 4(8) of the Choice Regulations; or

(ii) in the case of a contract with a partnership, all the partners in that partnership are exempt from such liability; and

(b) the Health Board has determined, in the light of the circumstances in which it granted the exemption or exemptions referred to in paragraph (a), that the contractor's list of patients should, from the commencement of the default contract, be closed to applications for inclusion in the list other than from the immediate family members of registered patients.

(3) Where a contractor's list of patient is to be closed pursuant to paragraph (2), the default contract with that contractor shall contain terms which have the same effect as paragraphs (4) and (5).

(4) The contractor's list of patients shall remain closed for as long as the contract subsists unless the contractor notifies the Health Board in writing of its intention to re open the list before the end of that period and of the date on which it will re-open.

(5) A contractor which has re-opened its list under paragraph (4) shall not be entitled to close it again during the subsistence of the default contract.