

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2004 No. 142**

**NATIONAL HEALTH SERVICE**

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

<i>Made</i>	- - - -	<i>25th March 2004</i>
<i>Laid before the Scottish Parliament</i>	- -	<i>25th March 2004</i>
<i>Coming into force</i>		<i>1st April 2004</i>

**THE GENERAL MEDICAL SERVICES (TRANSITIONAL AND  
OTHER ANCILLARY PROVISIONS) (SCOTLAND) ORDER 2004**

PART 1

GENERAL

1. Citation, commencement and interpretation

PART 2

ENTITLEMENT TO ENTER INTO GMS CONTRACTS

2. Entitlement to a GMS contract
3. Entitlement to a GMS contract as an individual medical practitioner
4. Entitlement to a GMS contract as a partnership
5. Appeal against refusal of a contract under article 3 or 4
6. Duration of entitlement to a GMS contract
7. Effect of termination of a default contract on entitlement to enter into a GMS contract under articles 3 or 4
8. Entitlement to a GMS contract of persons selected under regulation 11 of the 1995 Regulations
9. Appeals under section 23(2A)(c) of the 1978 Act
10. Entitlement to a GMS contract following appeal under article 9
11. Appeal against failure of a Health Board to enter into a GMS contract
12. Effect of events taking place on or after 1st April 2004 on entitlement to enter into a GMS contract

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### PART 3

#### DEFAULT CONTRACTS

13. Entitlement to a default contract
14. Duration of a default contract

### PART 4

#### ARRANGEMENTS UNDER REGULATION 24

15. Temporary arrangements under regulation 24 of the 1995 Regulations

### PART 5

#### CONTRACT TERMS

16. Additional services in default contracts
17. Additional services in GMS contracts under article 8 or 10
18. Additional services in GMS contracts entered into following a default contract
19. Out of hours services in default contracts
20. Out of hours services in GMS contracts to patients of exempt contractors who have entered into a default contract
21. Modification of certain out of hours provisions in the 2004 Regulations during the existence of default contracts
22. Modification of certain out of hours provisions in the 2004 Regulations during the existence of contractual arrangements made under article 15
23. Effect on a GMS contract of approval of an out of hours arrangement made by a default contractor
24. Services to patients not registered with the contractor in default contracts and GMS contracts
25. Services to patients not registered with the contractor in GMS contracts entered into following a default contract
26. Premises for the purposes of default contracts and GMS contracts
27. Practice area for the purposes of default contracts
28. Lists of patients for default contracts and GMS contracts
29. Lists of patients for GMS contracts entered into following a default contract
30. Lists of patients for default contracts and GMS contracts entered into following arrangements under regulation 24 of the 1995 Regulations or article 15
31. Status of contractor's list of patients for default contracts
32. Status of contractor's list of patients for GMS contracts
33. Dispute resolution procedures for default contracts
34. Additional ground for termination of a GMS contract

### PART 6

#### FINANCIAL ARRANGEMENTS

35. Interpretation of this Part
36. Payments under default contracts
37. Due dates for payments under a default contract
38. Part payment of periodic payments where a contractor does not enter into a GMS contract
39. Conditions, set offs etc. relating to payments under a default contract

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- 40. Effect of contractors entering into a GMS contract
  - 41. Persons not able to enter into a default contract
  - 42. Claims under the Statement of Fees and Allowances
- Signature  
Explanatory Note