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## EXPLANATORY NOTE

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

This Order is made under section 7 (ancillary provisions) of the [Primary Medical Services \(Scotland\) Act 2004 \(asp 1\)](#) (“the 2004 Act”).

The Order generally makes transitional and ancillary provision principally arising from–

- (a) the replacement on 1st April 2004 of arrangements for the provision of general medical services under section 19 of the National Health Service (Scotland) Act 1978 (c. 29) (“the 1978 Act”) with general medical services contracts under section 17J of that Act (as inserted by section 4 of the 2004 Act); and
- (b) the abolition on 1st April 2004 of the power to make pilot schemes for personal medical services by section 3 of the 2004 Act.

In the case of general medical services, this Order supplements the General Medical Services (Transitional and Other Ancillary Provisions) (Scotland) Order 2004 (S.S.I. 2004/142) (“the first transitional order”).

Part 2 of this Order sets out transitional provisions in relation to general medical services. It deals with matters which may still be outstanding on 31st March 2003 under the National Health Service (General Medical Services) (Scotland) Regulations 1995 (S.I. 1995/416) (“the 1995 Regulations”), which are revoked by the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 (S.S.I. 2004/114). In most cases, it provides for those matters to be dealt with as part of the new contractual arrangements.

Part 3 of this Order deals with transitional provision between default contracts (which under article 13 of the first transitional order, are short-term contracts which can be entered into by those who had been providing general medical services under section 19 of the 1978 Act pending agreement on a permanent general medical services contract) and general medical services contracts succeeding those default contracts. It provides for certain matters arising under the default contract to carry forward to the general medical services contract.

Part 4 of the Order provides for transitional provision for personal medical services pilot schemes. Article 49 provides for such schemes to be regarded from 1st April 2004 as agreements made under section 17C of the 1978 Act and to be known as “transitional agreements”. Article 50 provides for transitional agreements to be varied by 30th September to meet the requirements for personal medical services agreements set out in the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004 (S.S.I. 2004/116). Provision is also made in this part for various aspects of the working of transitional agreements.

Part 5 of the Order sets out the transitional arrangements for general medical services, pilot schemes and services provided under section 17C of 1978 Act in relation to the assignment of patients under the National Health Service (Choice of Medical Practitioner) (Scotland) Regulations 1998 (S.I. 1998/659) which are revoked by this Order.

Part 6 of the Order makes provision in relation to out of hours arrangements for general medical services. It provides for matters outstanding on the 31st of March under the provisions of the 1995 Regulations dealing with out of hours arrangements. It also provides for matters outstanding in relation to out of hours arrangements on the date on which a default contract is replaced by a general medical services contract. Finally, articles 73 to 75 deal with other miscellaneous transitional matters in relation to out of hours services.

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

Part 7 of the Order sets out the transitional provision in relation to referrals, investigations, determinations and appeals under the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1992 ([S.I. 1992/434](#)).

Part 8 of the Order deals with the transitional provision necessary in relation to the listing of medical practitioners. It provides for the transition from the previous arrangements whereby certain practitioners were listed on the medical lists provided for in section 19 of the 1978 Act or the supplementary lists provided for in terms of section 24B of the 1978 Act, to the new arrangements for primary medical services performers lists made under section 17P of the 1978 Act (added to that Act by section 5 of the 2004 Act). It makes transitional provision for those performing personal medical services in accordance with arrangements under section 17C of the 1978 Act or under pilot schemes, who have not previously required to be listed. It also makes provision for matters before the NHS Tribunal relating to those on medical or supplementary lists and for persons to whom the preferential treatment on transferring to medical lists under paragraph 1 of Schedule 1 to the [National Health Service \(Primary Care\) Act 1997 \(c.46\)](#) applied.

Part 9 of the Order makes provision for a number of miscellaneous transitional and transitory provisions.

Part 10 of the Order sets out certain savings, modifications, and revocations.