

**2012 No. 10**

**NATIONAL HEALTH SERVICE**

**The National Health Service (Primary Medical Services  
Section 17C Agreements) (Scotland) Amendment  
Regulations 2012**

*Made* - - - - 17th January 2012  
*Laid before the Scottish Parliament* 19th January 2012  
*Coming into force* - - 26th February 2012

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 17E, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(a) and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Amendment Regulations 2012 and come into force on 26th February 2012.

**Amendment of the 2004 Regulations**

2.—(1) Schedule 1 (content of agreements) to the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004(b) is amended as follows.

(2) In paragraph 66(3) (other grounds for termination by the Health Board)—

- (a) in head (a) omit “, or suspended” to “corresponding thereto”;
- (b) for head (b) substitute—

“(b) subject to sub-paragraph (4), the person is disqualified or suspended from practising by any licensing body anywhere in the world (other than by—

- (i) a direction under section 32A(2) (applications for interim suspension) or 32B(1) (suspension pending appeal) of the Act;

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(a) 1978 c.29; section 17E was inserted by the National Health Service (Primary Care) Act 1997 (c.46), section 22 and was amended by the Health Act 1999 (c.8), section 65, Schedule 4, paragraph 47 and Schedule 5 and by the Primary Medical Services (Scotland) Act 2004 (asp 1), section 2; section 105(7) was amended by the Health Services Act 1980 (c.53), Schedule 6, paragraph 5 and Schedule 7, by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), section 29 and Schedule 9, paragraph 24 and by the Health Act 1999 (c.8), Schedule 4, paragraph 60. Section 108(1) defines “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2004/116.

- (ii) a Health Board in terms of regulation 8A of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004<sup>(a)</sup>; or
- (iii) any provision in force in England, Wales or Northern Ireland corresponding to the provisions referred to in sub-heads (i) and (ii)).”.

(3) In paragraph 66A(2) (other grounds for termination by the Health Board for agreements entered into on or after 22nd December 2010)—

- (a) in head (b) omit “or suspended” to “corresponding thereto”;
- (b) for head (c) substitute—

“(c) subject to sub-paragraph (5), the person is disqualified or suspended from practising by any licensing body anywhere in the world (other than by—

- (i) a direction under section 32A(2) (applications for interim suspension) or 32B(1) (suspension pending appeal) of the Act;
- (ii) a Health Board in terms of regulation 8A of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004; or
- (iii) any provision in force in England, Wales or Northern Ireland corresponding to the provisions referred to in sub-heads (i) and (ii)).”

*NICOLA STURGEON*  
A member of the Scottish Executive

St Andrew’s House,  
Edinburgh  
17th January 2012

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<sup>(a)</sup> S.S.I. 2004/114. Regulation 8A was inserted by S.S.I. 2011/392.

## **EXPLANATORY NOTE**

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

These Regulations amend the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004 (“the principal Regulations”), which set out the framework for section 17C agreements under the National Health Service (Scotland) Act 1978.

Regulation 2(2) and (3) amends the termination provisions in paragraphs 66 and 66A of Schedule 1 to the principal Regulations to amend the circumstances when a Health Board may terminate an agreement.

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