

## **EXECUTIVE NOTE**

### **THE NATIONAL HEALTH SERVICE (PRIMARY MEDICAL SERVICES SECTION 17C AGREEMENTS) (SCOTLAND) AMENDMENT REGULATIONS 2012**

#### **SSI 2012/10**

1. The above instrument was made in exercise of the powers conferred by sections 17E, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978 (“the Act”). The instrument is subject to the negative procedure.

#### **Background**

2. The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004 (“the 2004 S17C Regulations”) set out the framework for the provision of primary medical services under section 17C agreements between Health Boards and providers. Part 2 of the Tobacco and Primary Medical Services (Scotland) Act 2010 (“the 2010 Act”) introduced new eligibility criteria for persons contracting or entering into agreements with Health Boards to provide primary medical services. These eligibility criteria were incorporated into the 2004 S17C Regulations by The National Health Service (Primary Medical Services S17C Agreements) (Scotland) Amendment Regulations 2010 (“the 2010 S17C Regulations”).

#### **Policy Objectives**

3. The purpose of the instrument is to amend the current termination provisions in the 2004 S17C Regulations. Paragraphs 66 and 66A of Schedule 1 to the 2004 S17C Regulations currently provide that a Health Board may terminate an agreement where the provider (or partner in or member of the provider) has been suspended. The policy intention, however, is that the agreement between the Board and the provider should be preserved despite any suspension, albeit that the provider (or, where relevant, the partner in or member of the provider) should no longer provide primary medical services under the agreement. It is therefore necessary to correct these paragraphs in Schedule 1.
4. Health Boards have not sought to rely on these termination provisions as no practitioners have been suspended since the introduction of the 2010 S17C Regulations, so there will be no change in practice as a consequence of this instrument.

#### **Consultation**

5. Consultation was undertaken on these amendment regulations with the Scottish General Practitioners Committee (SGPC) of the British Medical Association who had no comments.

## **Financial Effects**

6. The amendments will have no financial effects.

A handwritten signature in black ink, appearing to read 'Frank Strang', with a stylized flourish at the end.

FRANK STRANG  
Scottish Government Health Department  
17 January 2012