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SCOTTISH STATUTORY INSTRUMENTS

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**2018 No. 66**

**The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018**

**PART 3**

**PRE-CONTRACT DISPUTE RESOLUTION**

**Pre-contract disputes**

**12.**—(1) If, in the course of negotiations intended to lead to a contract, the prospective parties to that contract are unable to agree on a particular term of the contract, either party may refer the terms of the proposed contract to the Scottish Ministers to consider and determine the matter.

(2) Disputes referred to the Scottish Ministers in accordance with paragraph (1) must be considered and determined in accordance with—

(a) the NHS dispute resolution procedure, as if—

(i) in paragraph 91(3)(b) of schedule 6, “contract” read “terms of the proposed contract”;

(ii) paragraph 92(2) of schedule 6 were omitted; and

(b) paragraph (3) of this regulation.

(3) In the case of a dispute referred to the Scottish Ministers under paragraph (1), the determination of the adjudicator—

(a) may specify terms to be included in the proposed contract;

(b) may require the Health Board to proceed with the proposed contract but may not require the proposed contractor to proceed with the proposed contract; and

(c) is binding upon the prospective parties to the contract.

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**Modifications etc. (not altering text)**

**C1** [Reg. 12\(2\)\(3\)](#) applied (1.4.2018) by [The National Health Service \(Primary Medical Services Section 17C Agreements\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/67\)](#), art. 1(2), [reg. 27\(10\)](#) (with reg. 2)

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018, PART 3.