
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 66

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

PART 2

CONTRACTORS

Continuing conditions relating to contracts – sufficient involvement in patient care

- 11.**—(1) The contractor must ensure that—
- (a) for the duration of the contract while a person falls within paragraph (2)(a), that person has sufficient involvement in patient care; and
 - (b) where a person falls within paragraph (2)(b), that person has sufficient involvement in patient care from the date they fall within that paragraph for the rest of the duration of the contract or until they cease to fall within paragraph (2)(b)(i) to (iii), whichever is the earlier.
- (2) A person falls within—
- (a) this sub-paragraph if, in the case of a contract entered into on or after 22nd December 2010 with—
 - (i) a medical practitioner, they are that medical practitioner;
 - (ii) a partnership or limited liability partnership, they are a member of that partnership or limited liability partnership; or
 - (iii) a company, they are a member of that company; or
 - (b) this sub-paragraph if, in the case of a contract entered into prior to 22nd December 2010 with—
 - (i) a medical practitioner, they are that medical practitioner;
 - (ii) a partnership, they are a member of that partnership; or
 - (iii) a company, they are a person who legally and beneficially owns a share in that company; and
 - (iv) they fall within paragraph (3) or (4);
 - (v) they fall within paragraph (3) or (4).
- (3) A person falls within this paragraph where on or after 1st April 2018—
- (a) they become a partner of a partnership mentioned in sub-paragraph (2)(b)(ii); or
 - (b) they become a person who legally and beneficially owns a share in a company mentioned in sub-paragraph (2)(b)(iii).
- (4) A person falls within this paragraph if they—
- (a) do not fall within paragraph (3); and

(b) have had sufficient involvement in patient care for a period of 3 months starting on or after 1st April 2018 unless the Health Board has confirmed that the person only falls within this paragraph due to exceptional or temporary circumstances.

(5) Subject to paragraph (6), in this regulation, “sufficient involvement in patient care” means regularly performing, or being engaged in the day to day provision of, primary medical services in accordance with a general medical services contract, section 17C arrangements, or any other arrangement made in pursuance of section 2C(2) of the Act for no less than a total of 10 hours in each week.

(6) The periods of time described in regulation 7(3)(a) to (h) are to be disregarded for the purposes of determining whether a person has sufficient involvement in patient care for the purposes of this regulation.

(7) Where a person falls within paragraph (2) and then retires, the period of time following the date of retirement, which is the shorter of—

- (a) the equivalent of the length of time that the person has had sufficient involvement in patient care for the purposes of the contractor’s contract; and
- (b) 2 years following the date of retirement,

is to be disregarded for the purposes of determining whether the person has sufficient involvement in patient care for the purposes of this regulation.

(8) The [^{F1}contractor] must ensure that in the case of a contract entered into prior to 22nd December 2010—

- (a) with a partnership, every member of that partnership who is not a medical practitioner and does not fall within paragraph (2)(b) complies with the conditions prescribed in section 17L(2)(a) and (c) of the Act as in force at 21st December 2010; and
- (b) with a company, every person who legally and beneficially owns a share in that company who is not a medical practitioner and does not fall within paragraph (2)(b) complies with the conditions prescribed in section 17L(3)(b) of the Act as in force at 21st December 2010.

Textual Amendments

- F1** Word in reg. 11(8) substituted (1.4.2018) by [The National Health Service \(General Medical Services Contracts and Primary Medical Services Section 17C Agreements\) \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/94\)](#), regs. 1, 4

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018, Section 11.