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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 7**

**TRANSITIONAL PROVISIONS**

**Out of hours**

**33.**—(1) Where on 31st March 2018 a contract included a requirement to provide out of hours services pursuant to regulation 32 of the 2004 Regulations—

- (a) the contract must continue to require the contractor to provide out of hours services; and
- (b) despite the revocation of the 2004 Regulations<sup>(1)</sup>, the provisions of the 2004 Regulations referred to in paragraph (2) will continue to have effect in relation to that contract on and after 1st April 2018 as they had effect immediately before that date,

until one of the end dates in paragraph (3) occurs.

(2) The provisions of the 2004 Regulations are—

- (a) regulation 2, only in so far as that regulation relates to the definitions for “out of hours period” and “out of hours services”;
- (b) regulations 30, 31 and 32;
- (c) paragraphs 10, 11<sup>(2)</sup>, 12(c), 13(c), 63, 64 and 65 of schedule 5;
- (d) schedule 6; and
- (e) paragraph 18 of schedule 8.

(3) The end dates referred to in paragraph (1) are—

- (a) where a contractor—
  - (i) has served an out of hours opt out notice under paragraph 4(2) of schedule 2 of the 2004 Regulations in the period from 12th November 2017 to 31st March 2018; or
  - (ii) serves on the Health Board a written notice stating that the contractor wishes to terminate its obligation to provide out of hours services under its contract,the end date is the date 9 months after the date of service of the notice or such earlier date as the Health Board and the <sup>[F1]</sup>contractor agree; and
- (b) where on or after 1st April 2018, the contractor enters into an arrangement with the Health Board to provide out of hours services, the end date is the date the contractor commences providing out of hours services under the arrangement, or such other date as the Health Board and the contractor agree.

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(1) [S.S.I. 2004/115](#) is revoked by regulation 34 and schedule 9 of these Regulations.

(2) Paragraph 11 of schedule 5 of [S.S.I. 2004/115](#) was amended by [S.S.I. 2011/211](#).

(4) The contractor's duty to provide out of hours services under the contract will terminate with effect from 0800 hours on the end date referred to in paragraph (3) unless the Health Board and the contractor agree a different date or time.

(5) Nothing in paragraphs (1) to (4) prevents the contractor and the Health Board from agreeing a different date for the termination of the contractor's duty under the contract to provide out of hours services and accordingly varying the contract in accordance with paragraph 94(1) of schedule 6.

(6) Prior to the [<sup>F2</sup>contractor's] duty to provide out of hours services under the contract ceasing, the Health Board and the [<sup>F3</sup>contractor] must discuss how to inform patients of any change to the out of hours services which the contractor provides.

(7) The contractor must, if requested by the Health Board, inform the contractor's registered patients of the change in service by the contractor and the arrangements made for them to receive out of hours services by—

- (a) placing a notice in the practice's waiting room; and
- (b) including the information in the practice leaflet.

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#### Textual Amendments

- F1** Word in reg. 33(3)(a) 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, **6(a)**
- F2** Word in reg. 33(6) 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, **6(b)(i)**
- F3** Word in reg. 33(6) 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, **6(b)(ii)**
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#### Modifications etc. (not altering text)

- C1** Reg. 33 applied (with modifications) by S.S.I. 2004/163, art. 62A (as inserted (1.4.2018) by [The National Health Service \(General Medical Services Contracts\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/66\)](#), reg. 1, **sch. 10 para. 4(30)** (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, Section 33.