

SCHEDULE 6

OTHER CONTRACTUAL TERMS

PART 8

VARIATION AND TERMINATION OF CONTRACTS

Variation of a contract: general

94.—(1) Subject to regulation 31, schedule 2 and paragraphs 62(8) and 108 of this schedule and sub-paragraph (2), no amendment or variation has effect unless it is in writing and signed by or on behalf of the Health Board and the contractor.

(2) In addition to the specific provision made in paragraph 108 the Health Board may vary the contract without the contractor’s consent where it—

- (a) is reasonably satisfied that it is necessary to vary the contract so as to comply with relevant legislation; and
- (b) notifies the contractor in writing of the wording of the proposed variation and the date upon which that variation is to take effect.

(3) Where it is reasonably practicable to do so, the date that the proposed variation is to take effect is to be not less than 14 days after the date on which the notice under sub-paragraph (2)(b) is served on the contractor.

(4) In this paragraph “relevant legislation” means—

- (a) the Act;
- (b) the 1998 Act⁽¹⁾ or any directly applicable EU instrument relating to data protection;
- (c) the Patient Rights (Scotland) Act 2016⁽²⁾;
- (d) Part 2 of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016⁽³⁾; and
- (e) any regulations or any direction given by the Scottish Ministers made pursuant to the Acts mentioned in sub-paragraphs (a), (c) and (d).

(1) 1998 c.29.
(2) 2016 asp 14.
(3) 2016 asp 14.