
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 67

**The National Health Service (Primary Medical Services
Section 17C Agreements) (Scotland) Regulations 2018**

PART 8

TRANSITIONAL PROVISIONS

Out of Hours

28.—(1) Where on 31st March 2018 an agreement included a requirement to provide out of hours services pursuant to regulation 13 of the 2004 Regulations—

- (a) the agreement must continue to require the provider to provide out of hours services; and
- (b) despite the revocation of the 2004 Regulations, the provisions of the 2004 Regulations referred to in paragraph (2) will continue to have effect in relation to that agreement 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 9(d) and 13;
- (c) paragraphs 6 and 7 of schedule 1;
- (d) schedule 4; and
- (e) paragraph 17 of schedule 6.

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

- (a) where on or after 1st April 2018, a provider serves on the Health Board a written notice stating that the provider wishes to terminate its obligation to provide out of hours services under its agreement, 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 provider agree; and
- (b) where on or after 1st April 2018, the provider enters into an alternative arrangement with the Health Board to provide out of hours services, the end date is the date the provider commences providing out of hours services under the alternative arrangement, or such other date as the Health Board and the provider agree.

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

(5) Nothing in ^{F1}...paragraphs (1) to (4) prevents the provider and the Health Board from agreeing a different date for the termination of the provider’s duty under the agreement to provide out of hours services and accordingly varying the agreement in accordance with paragraph 61(1) of schedule 1.

(6) Prior to the provider's duty to provide out of hours services under the agreement ceasing, the Health Board and the provider must discuss how to inform patients of any change to the out of hours services which the provider provides.

(7) The provider must, if requested by the Health Board, inform the provider's registered patients of the change in service by the provider 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.

Textual Amendments

- F1** Word in reg. 28(5) omitted (1.4.2018) by virtue of [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, 14](#)

[^{F2}Transitional arrangements for vaccination and immunisation services

28A.—(1) Where on 17 October 2021 an agreement included a requirement to provide the vaccinations and immunisations additional service, the childhood vaccinations and immunisations additional service, or both services in accordance with schedule 3—

- (a) the Health Board may serve notice to the provider requiring the provider to continue to provide the vaccinations and immunisations additional service, the childhood vaccinations and immunisations additional service, or both services for a period specified in the notice;
- (b) despite the revocation of paragraphs 4 and 5 of schedule 3, where the Health Board has given notice under sub-paragraph (a), paragraphs 4 and 5 of schedule 3 continue to have effect in relation to that agreement on and after 18 October 2021 as they had effect immediately before that date, until the end of the period specified in the notice; ;
- (c) where the Health Board has given notice under sub-paragraph (a), in relation to that agreement, the definition of “additional services” in regulation 3(1) is to be read as including “vaccinations and immunisations” and “childhood vaccinations and immunisations”.

(2) A notice served by the Health Board under paragraph (1)(a) must—

- (a) be served no later than 1 December 2021; and
- (b) specify a period which ends no later than 1 April 2022.

[^{F3}(3) A notice served by the Health Board under sub-paragraph (1)(a) must list all of the vaccinations and immunisations which the provider is required to provide as a consequence of the notice, as of the date of the notice.

(4) A letter stating that the provider is to continue to provide the vaccinations and immunisations additional service, the childhood vaccinations and immunisations additional service, or both services, for a period specified in the letter, which is sent by the Health Board to the provider's official correspondence address (specified in accordance with regulation 15) before the coming into force of this regulation is deemed to have the same effect as a notice under sub-paragraph (1)(a), if it complies with the requirements of this regulation.]

(5) The Health Board may reduce the duration of the period specified in a notice served under paragraph (1)(a) by serving the provider with a further notice.

(6) Where the provider is required to provide vaccination services in accordance with schedule 3A, the provider's obligation to provide services in accordance with a notice served under

paragraph (1)(a) will end on the date on which the provider's obligation to provide vaccination services begins.

(7) Subject to paragraph (9), prior to the provider's duty to provide vaccination and immunisation services under this regulation ceasing, the Health Board and the provider must discuss how to inform patients of the change to how vaccinations and immunisations will be delivered.

(8) Subject to paragraph (9), if the Health Board requests it, the provider must inform the provider's patients of the change to how vaccinations and immunisations will be delivered to them by—

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

(9) Paragraphs (7) and (8) do not apply where the provider is ceasing to provide vaccination and immunisation services under this regulation but will immediately begin providing vaccination services in accordance with schedule 3A.]

Textual Amendments

- F2** Reg. 28A inserted (18.10.2021) by [The National Health Service \(General Medical Services and Primary Medical Services Section 17C Agreements\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/302\)](#), regs. 1, **15**
- F3** Reg. 28A(3)(4) substituted (28.5.2022) by [The National Health Service \(General Medical Services Contracts and Primary Medical Services Section 17C Agreements\) \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/130\)](#), regs. 1(2), **17**

Revocations

29. The enactments specified in column 1 of schedule 7 are hereby revoked to the extent specified in column 3 of that schedule.

Consequential amendments

30. Schedule 8 (consequential amendments) has effect.

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2018, PART 8.