
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 67

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

PART 7

RIGHT TO A GENERAL MEDICAL SERVICES CONTRACT

Right to a general medical services contract

27.—(1) A provider which is providing essential services under an agreement and which wishes a general medical services contract to be entered into pursuant to this regulation must notify the Health Board in writing at least three months before the date on which it wishes the general medical services contract to be entered into.

(2) A notice under paragraph (1) must—

- (a) state that the provider wishes to terminate the agreement and the date on which the provider wishes the agreement to terminate, which must be at least three months after the date of service of the notice;
- (b) subject to paragraph (3), give the name of the person with whom the provider wishes the Health Board to enter into a general medical services contract; and
- (c) confirm that the person so named meets the conditions set out in—
 - (i) section 17L of the Act (eligibility to be contractor under general medical services contract)⁽¹⁾; and
 - (ii) regulations 5 (conditions relating solely to medical practitioners) and 6 (general conditions relating to all contracts) and 7 (further conditions relating to all contracts) of the GMS Contracts Regulations,

where the provider is not able to confirm, the reason why it is not able to do so and confirmation that the person immediately prior to entering into the general medical services contract will meet those conditions.

(3) A person's name may only be given in a notice referred to in paragraph (1) if that person is a party to the agreement.

(4) The Health Board must acknowledge receipt of the notice served under paragraph (1) within the period of 7 days beginning on the day that it received the notice.

(5) Provided that the conditions set out in section 17L of the Act and regulations 4, 5 and 6 of the GMS Contracts Regulations are met, the Health Board must enter into a general medical services contract with the person named in the notice served under paragraph (1).

(6) In addition to the terms required by the Act and the GMS Contracts Regulations, a general medical services contract entered into pursuant to this regulation must provide for—

(1) Section 17L was inserted by section 4 of the Primary Medical Services (Scotland) Act 2004 ([asp 1](#)) and substituted by section 39 of the Tobacco and Primary Medical Services (Scotland) Act 2010 ([asp 3](#)).

- (a) the general medical services contract to commence immediately after the termination of the agreement;
 - (b) the names of the patients included in the provider's list of patients immediately before the termination of the agreement to be included in the first list of patients to be prepared and maintained by the Health Board pursuant to paragraph 11 of schedule 6 of the GMS Contracts Regulations; and
 - (c) the same services to be provided under the general medical services contract as were provided under the agreement immediately before it was terminated unless the parties otherwise agree.
- (7) An agreement will terminate on the date stated in the notice given by the provider under paragraph (1) unless a different date is agreed by the provider and the Health Board or no general medical services contract is entered into by the Health Board pursuant to this regulation.
- (8) Where the Health Board is of the view that the conditions in section 17L of the Act or regulations 4, 5 or 6 of the GMS Contracts Regulations are not met it must notify in writing the provider of its view, and its reasons for that view, and of the provider's right of appeal under subparagraph (9).
- (9) The provider may appeal to the Scottish Ministers against the decision of the Health Board by giving notice in writing to the Scottish Ministers within the period of 28 days beginning on the day that the Health Board served its notice.
- (10) Any other dispute relating to this regulation may be referred by the prospective party to the general medical services contract or the Health Board to the Scottish Ministers to consider and determine the matter in accordance with regulations 12(2) and (3) of the GMS Contracts Regulations.

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, Section 27.