

SCHEDULE 1

CONTENT OF AGREEMENTS

PART 8

VARIATION AND TERMINATION OF AGREEMENTS

Variation of an agreement: general

61.—(1) Subject to [^{F1}regulations 25 and 28A], paragraphs 33(8), 65 and 75 of this schedule [^{F2}, paragraph 1 of schedule 3A] and sub-paragraph (2), no amendment or variation will have effect unless it is in writing and signed by or on behalf of the Health Board and the provider.

(2) In addition to the specific provision made in paragraph 75 the Health Board may vary the agreement without the provider’s consent where it—

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

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

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

- (a) the Act;
- ^{F3}(b)
- (c) the Patient Rights (Scotland) Act 2011(1);
- (d) the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016(2);
- [^{F4}(da) the data protection legislation;
- (db) any directly applicable EU legislation which is not part of the data protection legislation but which relates to data protection;] and
- (e) any regulations or direction given by the Scottish Ministers pursuant to the Acts referred to at sub-paragraphs (a), (c) and (d).

Textual Amendments

- F1** Words in sch. 1 para. 61(1) substituted (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, **16(d)(i)**
- F2** Words in sch. 1 para. 61(1) 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, **16(d)(ii)**
- F3** sch. 1 para. 61(3)(b) omitted (25.5.2018) by virtue of [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 429(4)(a)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

(1) 2011 asp 5.
(2) 2016 asp 14.

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, Paragraph 61. (See end of Document for details)

F4 sch. 1 para. 61(3)(da)(db) inserted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 429(4)(b)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

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There are currently no known outstanding effects for the The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2018, Paragraph 61.