

2023 No. 281

NATIONAL HEALTH SERVICE

**The National Health Service (General Medical Services
Contracts and Primary Medical Services Section 17C
Agreements) (Miscellaneous Amendments) (Scotland)
Regulations 2023**

<i>Made</i>	- - - -	<i>3rd October 2023</i>
<i>Laid before the Scottish Parliament</i>		<i>5th October 2023</i>
<i>Coming into force</i>	- -	<i>30th November 2023</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 17E, 17N and 105(7) of the National Health Service (Scotland) Act 1978(a), and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the National Health Service (General Medical Services Contracts and Primary Medical Services Section 17C Agreements) (Miscellaneous Amendments) (Scotland) Regulations 2023 and come into force on 30 November 2023.

Amendments to the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018

2.—(1) The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018(b) are amended as follows.

(2) In regulation 3 (interpretation) omit the definition of “clinical commissioning group”.

(3) In paragraph 14 (refusal of application for inclusion in the list of patients or for acceptance as a temporary resident) of part 2 (list of patients) of schedule 6 (other contractual terms)—

(a) in sub-paragraph (2) for “The”, substitute “Subject to sub-paragraph (5), the”,

(b) after sub-paragraph (4) insert—

“(5) For the purpose of sub-paragraph (2), “reasonable grounds” do not include refusal of an application from a person who—

(a) 1978 c. 29. Section 17E was inserted by section 22(2) of the National Health Service (Primary Care) Act 1997 (c. 46) and was relevantly amended by section 65 and schedules 4 and 5 of the Health Act 1999 (c. 8), section 2(4) of the Primary Medical Services (Scotland) Act 2004 (asp 1) and S.I. 2003/1250. Section 17N was inserted by the Primary Medical Services (Scotland) Act 2004 (asp 1). Section 105(7) was relevantly amended by section 25(3), paragraph 5 of schedule 6 and schedule 7 of the Health Services Act 1980 (c. 53), section 29 and paragraph 24 of schedule 9 of the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) and section 65 and paragraph 60 of schedule 4 of the Health Act 1999 (c. 8).

(b) S.S.I. 2018/66. There are amending instruments to these Regulations but none is relevant.

- (a) at the time of making the application, is detained in a prison, a young offenders institution or the state hospital, and
 - (b) will live after their release from detention in the contractor’s practice area.
- (6) For the purpose of sub-paragraph (5)—
- “young offenders institution” has the meaning given in section 19(1)(b) of the Prisons (Scotland) Act 1989(a), and
- “state hospital” has the meaning given in section 102 of the National Health Service (Scotland) Act 1978(b).”.

Amendments to the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2018

3. In paragraph 9 (refusal of applications for inclusion in the list of patients or for acceptance as a temporary resident) of part 2 (list of patients) of schedule 2 (agreements to provide essential services) of the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2018(c)—

- (a) in sub-paragraph (2) for “The”, substitute “Subject to sub-paragraph (5), the”,
 - (b) after sub-paragraph (4) insert—
 - “(5) For the purpose of sub-paragraph (2), “reasonable grounds” do not include refusal of an application from a person who—
 - (a) at the time of making the application, is detained in a prison, a young offenders institution or the state hospital, and
 - (c) will live after their release from detention, in the provider’s practice area.
- (6) For the purpose of sub-paragraph (5)—
- “young offenders institution” has the meaning given in section 19(1)(b) of the Prisons (Scotland) Act 1989(d), and
- “state hospital” has the meaning given in section 102 of the National Health Service (Scotland) Act 1978(e).”.

MICHAEL MATHESON
A member of the Scottish Government

St Andrew’s House,
Edinburgh
3rd October 2023

(a) 1989 c. 45. Section 19 was relevantly amended by section 23(1) of the Criminal Justice (Scotland) Act 2003 (asp 7).
 (b) Section 102 was relevantly amended by paragraph 3 of schedule 4 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13).
 (c) S.S.I. 2018/67. There are amending instruments to these Regulations but none is relevant.
 (d) 1989 c. 45. Section 19 was relevantly amended by section 23(1) of the Criminal Justice (Scotland) Act 2003 (asp 7).
 (e) Section 102 was relevantly amended by paragraph 3 of schedule 4 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13).

EXPLANATORY NOTE

(This note is not part of the Regulations)

The National Health Service (General Medical Services Contracts) Regulations 2018 (the “principal GMS Regulations”) set out for Scotland the framework for general medical contracts into which Health Boards may enter under section 17J of the National Health Service (Scotland) Act 1978 (“the 1978 Act”). The principal GMS Regulations provide, amongst other things, that a contractor may refuse to accept an application for patient registration where they have reasonable grounds. Regulation 2 makes amendments to the principal GMS Regulations which apply in relation to people who are about to be released from prison, a young offenders institution or the state hospital. The effect of that amendment is that a contractor cannot refuse that person’s application on the grounds that they currently do not live in the contractor’s area at the time of their application, if they will live in the contractor’s practice area on their release. In addition regulation 2 makes an amendment to interpretation provision to remove a redundant provision.

The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2018 (“the principal PMS regulations”) set out for Scotland the framework for primary medical services agreements which Health Boards may make under section 17C of the 1978 Act. Regulation 3 makes amendments to the principle PMS Regulations in relation to detained persons which are equivalent to those made to the principal GMS Regulations.

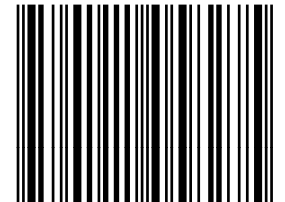
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