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# National Health Service (Scotland) Act 1978

1978 CHAPTER 29

## PART I

### ORGANISATION

VALID FROM 13/02/2004

#### *Persons performing primary medical services*

#### **[<sup>F1</sup>17P Persons performing primary medical services**

- (1) Regulations may provide that a health care professional of a prescribed description may not perform any primary medical service which a Health Board is, under section 2C(1), under a duty to provide or secure the provision of unless that professional is included in a list maintained under the regulations by the Health Board.
- (2) For the purposes of this section, “health care professional” means a member of a profession regulated by a body for the time being mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17).
- (3) Regulations under subsection (1) may make provision in relation to such lists and in particular as to—
  - (a) the preparation, maintenance and publication of a list;
  - (b) eligibility for inclusion in a list;
  - (c) applications for inclusion (including provision for the procedure for applications to be made and dealt with and the documents to be supplied on application);
  - (d) the grounds on which an application for inclusion may or must be granted or refused;

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- (e) requirements with which a person included in a list must comply (including requirements as to standards of performance and patient care and as to declarations, consents or undertakings);
  - (f) suspension or removal from a list (including the grounds for and consequences of suspension or removal);
  - (g) circumstances in which a person included in a list may not withdraw from it;
  - (h) payments to be made by a Health Board in respect of a person suspended from the list (including provision for the amount of, or the method of calculating, the payment to be determined by the Scottish Ministers);
  - (i) the criteria to be applied in making decisions under the regulations;
  - (j) appeals against decisions made by a Health Board under the regulations;
  - (k) disclosure of information about applicants for inclusion, refusals of applications, or suspensions, removals or references to the Tribunal.
- (4) Regulations making provision as to the matters referred to in subsection (3)(k) may in particular authorise the disclosure of information—
- (a) by a Health Board to the Scottish Ministers; and
  - (b) by the Scottish Ministers to a Health Board.

#### Textual Amendments

- F1** S. 17P and cross-heading inserted (13.2.2004 for certain purposes otherwise 1.4.2004) by [Primary Medical Services \(Scotland\) Act 2004 \(asp 1\), ss. 5\(2\), 9\(1\); S.S.I. 2004/58, art. 2\(1\)\(3\), Sch.](#)

VALID FROM 01/04/2004

#### **<sup>F2</sup>17Q Assistance and support**

- (1) A Health Board may provide assistance and support to—
- (a) any person providing, or proposing to provide, primary medical services under a general medical services contract;
  - (b) any person providing, or proposing to provide, such services in accordance with section 17C arrangements.
- (2) Assistance and support provided by a Health Board under subsection (1) is to be provided on such terms, including terms as to payment, as the Board think fit.
- (3) In this section, “assistance” includes financial assistance.]]

#### Textual Amendments

- F1** S. 17P and cross-heading inserted (13.2.2004 for certain purposes otherwise 1.4.2004) by [Primary Medical Services \(Scotland\) Act 2004 \(asp 1\), ss. 5\(2\), 9\(1\); S.S.I. 2004/58, art. 2\(1\)\(3\), Sch.](#)
- F2** S. 17Q inserted (1.4.2004) by [Primary Medical Services \(Scotland\) Act 2004 \(asp 1\), ss. 6, 8, 9\(1\); S.S.I. 2004/58, art. 2\(3\)](#)

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**Modifications etc. (not altering text)**

- C1** Ss. 17Q-17V and preceding cross-heading substituted for s. 17Q (prosp.) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\), s. 21, 43\(3\)](#)

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