



National Health Service (Scotland) Act 1978

1978 CHAPTER 29

PART I

ORGANISATION

[^{F1}General medical services contracts

[^{F1}17L Eligibility to be contractor under general medical services contract

- (1) A Health Board may, subject to such conditions as may be prescribed, enter into a general medical services contract with—
- (a) a medical practitioner;
 - (b) a partnership, where the conditions mentioned in subsection (2) are satisfied; or
 - (c) a company limited by shares, where the conditions in subsection (3) are satisfied.
- (2) The conditions referred to in subsection (1)(b) are that—
- (a) all of the partners are individuals;
 - (b) at least one partner is a medical practitioner; and
 - (c) any partner who is not a medical practitioner is—
 - (i) an NHS employee;
 - (ii) a section 17C employee;
 - (iii) a section 28C employee or an Article 15B employee;
 - (iv) a health care professional who is engaged in the provision of services under this Act, the 1977 Act or the 1972 Order;
 - (v) an individual who is providing primary medical services in accordance with a general medical services contract;

Status: Point in time view as at 13/02/2004. This version of this provision has been superseded.

Changes to legislation: National Health Service (Scotland) Act 1978, Section 17L is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (vi) an individual who is providing primary medical services in accordance with a section 28Q contract or general medical services in accordance with Article 56 of the 1972 Order;
 - (vii) an individual who is providing primary medical services in accordance with section 17C arrangements or section 28C arrangements or personal medical services in accordance with Article 15B arrangements;
 - (viii) an individual who is providing general dental services;
 - (ix) an individual who is providing primary dental services in accordance with a section 28K contract or general dental services in accordance with Article 61 of the 1972 Order;
 - (x) an individual who is providing personal dental services in accordance with section 17C arrangements; or
 - (xi) an individual who is providing primary dental services in accordance with section 28C arrangements or personal dental services in accordance with Article 15B arrangements.
- (3) The conditions referred to in subsection (1)(c) are that—
- (a) at least one share in the company is legally and beneficially owned by a medical practitioner; and
 - (b) any share which is not so owned is legally and beneficially owned by an individual referred to in subsection (2)(c)(i) to (xi).
- (4) Regulations may make provision as to the effect on a general medical services contract entered into with a partnership of a change in the membership of the partnership.
- (5) In this section—
- “health care professional” means a member of a profession regulated by a body mentioned (at the time the contract in question is entered into) in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17);
- “NHS employee” has the same meaning as it has in section 17D in relation to an agreement under which primary medical services are provided;
- “the 1972 Order”, “the 1977 Act”, “Article 15B arrangements”, “Article 15B employee”, “section 17C arrangements”, “section 17C employee”, “section 28C arrangements”, “section 28C employee”, “section 28K contract” and “section 28Q contract” each has the same meaning as in section 17D.
- (6) The references in—
- (a) subsection (2)(c)(iv) to a health care professional who is engaged in the provision of services include a health care professional who has been so engaged;
 - (b) subsection (2)(c)(v) to (xi) to a person or individual who is providing services include a person or individual who has provided the services,
- within such period as may be prescribed.]

Textual Amendments

F1 Ss. 17J-17O and cross-heading inserted (13.2.2004 for certain purposes otherwise 1.4.2004) by Primary Medical Services (Scotland) Act 2004 (asp 1), ss. 4, 9(1); S.S.I. 2004/58, art. 2(1)(3), Sch.

Status:

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