

2004 No. 2261

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

NATIONAL HEALTH SERVICE

**The Primary Medical Services (Scotland) Act 2004
(Consequential Amendments) Order 2004**

Made - - - - - 1st September 2004

Laid before Parliament 8th September 2004

Coming into force - - - 1st October 2004

The Secretary of State, in exercise of the powers conferred upon him by sections 104, 112(1) and 113 of the Scotland Act 1998(a) hereby makes the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Primary Medical Services (Scotland) Act 2004 (Consequential Amendments) Order 2004 and shall come into force on 1st October 2004.

(2) The extent of the amendments made by the Schedule is the same as that of the enactments amended, except that paragraphs 1 and 2 do not extend to Scotland(b).

Consequential amendments

2. The enactments listed in the Schedule are amended as there specified.

Signed on behalf of the Secretary of State

1st September 2004

John Hutton
Minister of State,
Department of Health

(a) 1998 c.46.

(b) Amendments in identical terms to those in paragraphs 1 and 2 of the Schedule have been made in relation to Scotland by paragraphs 1 and 5 of Schedule 1 to the Primary Medical Services (Consequential and Ancillary Amendments) (Scotland) Order 2004 (S.S.I 2004/212).

SCHEDULE

Article 2

AMENDMENT OF ENACTMENTS

Medicines (Pharmacy and General Sale – Exemption) Order 1980

1. In article 4B of the Medicines (Pharmacy and General Sale – Exemption) Order 1980(a) (exemption for health professionals who supply medicinal products under a Patient Group Direction in order to assist doctors or dentists in providing national health services), for paragraph (3)(b)(ii) substitute—

“(ii) in relation to Scotland, the provision of primary medical services under Part I of the National Health Service (Scotland) Act 1978; and”.

The Prescription Only Medicines (Human Use) Order 1997

2. In article 12B of the Prescription Only Medicines (Human Use) Order 1997(b) (exemption for health professionals who supply or administer prescription only medicines under a Patient Group Direction in order to assist doctors or dentists in providing national health services), for paragraph (3)(b)(ii) substitute—

“(ii) in relation to Scotland, the provision of primary medical services under Part I of the National Health Service (Scotland) Act 1978; and”.

The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003

3.—(1) The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003(c) shall be amended as provided in this paragraph.

(2) In article 10 (the General Practitioner Register)—

(a) in paragraph (4), for sub-paragraph (b), substitute—

“(b) in Scotland, be included in a primary medical services performers list (Scotland);”;

(b) in paragraph (6), omit sub-paragraph (b); and

(c) in paragraph (7), omit “Scotland and”.

(3) In Schedule 1 (interpretation)—

(a) in the appropriate alphabetical position, insert—

““primary medical services performers list (Scotland)” means the list of primary medical services performers prepared in accordance with regulations made under section 17P of the 1978 Act (persons performing primary medical services);”(d); and

(b) in the definition of “restricted services principal”(e), for paragraph (b) substitute—

“(b) in Scotland, a general practitioner who had, pursuant to the National Health Service (General Medical Services) (Scotland) Regulations 1995 (before their revocation), undertaken to provide general medical services limited to—

(i) child health surveillance services,

(ii) contraceptive services,

(iii) maternity medical services, or

(a) S.I. 1980/1924; article 4B was inserted by S.I. 2000/1919 and amended by S.I. 2004/865 and S.S.I.2004/212.

(b) S.I. 1997/1830. Article 12B was inserted by S.I. 2000/1917 and amended by S.I. 2002/2469 and 2004/865 and S.S.I. 2004/212.

(c) S.I. 2003/1250, as amended by S.I. 2004/865 and S.R. 2004/156.

(d) Section 17P was inserted by section 5(2) of the Primary Medical Services (Scotland) Act 2004 (asp. 1).

(e) As inserted by S.I. 2004/865, Schedule 1, paragraph 37(5)(b).

- (iv) minor surgery services,
or any combination of the above; or”.

(4) In Schedule 8 (transitional, transitory and saving provisions), in paragraph 22 (general practitioners permitted to work within the National Health Service during the transitional period)—

- (a) in sub-paragraph (2), for paragraph (b), substitute—
 - “(b) in Scotland, inclusion in a primary medical services performers list (Scotland);”;
- (b) omit sub-paragraph (4)(b); and
- (c) in sub-paragraph (5), omit “Scotland or”.

(5) In Schedule 9 (consequential amendments to primary legislation)—

- (a) in paragraph 3 (National Health Service (Scotland) Act 1978 (c.29)), omit sub-paragraphs (b) to (e); and
- (b) in paragraph 6 (National Health Service (Primary Care) Act 1997 (c.46)), omit sub-paragraph (d).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to secondary legislation consequential on the Primary Medical Services (Scotland) Act 2004 (asp 1). The 2004 Act amends the National Health Service (Scotland) Act 1978 to provide a new framework for primary medical services in Scotland. It repeals the provisions relating to the previous system of general medical services.

Article 2 and the Schedule amend three statutory instruments to replace references to the old system with references to the new system.

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