

**EXPLANATORY MEMORANDUM TO THE  
PRIMARY MEDICAL SERVICES (SCOTLAND) ACT 2004 (CONSEQUENTIAL  
AMENDMENTS) ORDER 2004 No.2261**

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 This Order makes amendments to secondary legislation consequential on the Primary Medical Services (Scotland) Act 2004 (asp 1) (“the 2004 Act”). It amends three statutory instruments to replace references to the previous regime with references to the new Scottish primary medical services regime.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

**4. Legislative Background**

4.1 The 2004 Act amends the National Health Service (Scotland) Act 1978 to provide for primary medical services. Section 7 of the 2004 Act enables Scottish Ministers to make amendments to other legislation consequential on that Act but, because of the limitations on the competence of Scottish Ministers contained in the Scotland Act 1998, any amendments made under that power can only extend to Scotland. If amendments are required to legislation which extends outside Scotland, an order is required under section 104 of the Scotland Act. This is such an Order. It supplements the Primary Medical Services (Scotland) Act 2004 (Consequential Modifications) Order 2004 (S.I. 2004/957).

4.2 The Schedule to this Order amends three statutory instruments, all of which extend to the whole of the United Kingdom.

4.3 In the case of the instruments amended in paragraphs 1 and 2 of the Schedule, the Order has the effect of making for the rest of the United Kingdom amendments which were made for Scotland by the Scottish Ministers using their powers under section 7 of the 2004 Act – see S.S.I. 2004/212, Schedule 1, paragraphs 1 and 5. Although these amendments only affect references to Scottish health legislation they need to apply throughout the United Kingdom because medicines may be supplied in other parts of the United Kingdom under the terms of the Orders concerned to assist a doctor in the provision of Scottish primary medical services.

4.4 The amendments made by paragraph 3 of the Schedule amend for the whole of the United Kingdom the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003 which provides for a UK-wide system of regulation of postgraduate medical education and training for specialist medical practice and general medical practice.

**5. Extent**

5.1 This instrument applies to all of the United Kingdom.

**6. European Convention on Human Rights**

6.1 Not applicable.

**7. Policy background**

7.1 This Order fulfils the objective of ensuring that references in UK legislation are amended to reflect the changes made by the 2004 Act. The terms of the Order have been agreed with the Scotland Office and the Scottish Executive.

**8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 There is no impact on the public sector.

**9. Contact**

Margaret Pedler at the Department of Health Tel: 020 7412 1532 or e-mail: [margaret.pedler@dwp.gsi.gov.uk](mailto:margaret.pedler@dwp.gsi.gov.uk) can answer any queries regarding the instrument.