

SCHEDULE 2

Amendments to and revocations of other subordinate legislation

Amendment of the National Health Service (Primary Medical Service Section 17C Agreements)(Scotland) Regulations 2004

4. In Schedule 1 (content of agreements) to the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004⁽¹⁾—

- (a) in paragraph 76(1), for “hold adequate insurance against liability arising from negligent performance of clinical services”, substitute “have in force in relation to it an indemnity arrangement which provides appropriate cover”;
- (b) in paragraph 76(2), for “holds adequate insurance against liability arising from the negligent performance of such services”, substitute “has in force in relation to it an indemnity arrangement which provides appropriate cover”;
- (c) in paragraph 76(3)(a), for ““insurance” means”, substitute ““indemnity arrangement” means”;
- (d) in paragraph 76(3)(a), after paragraph (a) (but before the following “and”) insert—
 - “(aa) “appropriate cover” means cover against liabilities that may be incurred by the provider in the performance of clinical services under the agreement, which is appropriate, having regard to the nature and extent of the risks in the performance of such services;”;
- (e) in paragraph 76(3)(b), for “holding insurance if the insurance is held by”, substitute “having in force in relation to it an indemnity arrangement if there is an indemnity arrangement in force in relation to”; and
- (f) in paragraph 77, for “the insurance”, substitute “an indemnity arrangement”.

(1) S. S. I. 2004/116.