

PRIMARY MEDICAL SERVICES (SCOTLAND) ACT 2004

EXPLANATORY NOTES

THE ACT – AN OVERVIEW

Part 1: Provision of Primary Medical Services

Section 2 – Provision of primary medical services: section 17C arrangements

15. This section makes the changes which are necessary to the main sections in the 1978 Act on section 17C arrangements - sections 17C, 17D, 17E and 17H. (The schedule repeals sections 17EA, 17EB and 17F and makes minor changes to section 17I, and related pilot schemes under the 1997 Act for personal medical services are dealt with in section 3 and the schedule and may be dealt with in an order made under section 7 of the Act).
16. Subsection (2) continues the re-labelling of “personal medical services” as “primary medical services”. It also repeals section 17C(3)(a) of the 1978 Act which provides that a Health Board’s duty to make GMS arrangements under section 19 does not apply to a person who is covered by section 17C arrangements. This express exclusion from the duty is no longer needed in light of new section 2C.
17. Subsection (2) also inserts a new subsection (2A) in section 17C permitting a section 17C arrangement under which primary medical services are provided to include arrangements for the provision of other services. It also makes clear that where services which are not primary medical services are included in any section 17C arrangement, these services may be performed at any location where primary medical services might be performed. There is an equivalent provision in relation to GMS services in section 17J(4), inserted by section 4 of the Act.
18. Subsection (3) amends section 17D of the 1978 Act. It sets out the categories of persons (including partnerships and companies) who are eligible to enter into section 17C arrangements. The amendments reflect the need to be consistent with the terminology in other new sections of the 1978 Act inserted by the Act, including the creation in section 2C of the “primary medical services” duty on Health Boards and the descriptions in section 17J to 17O of new GMS contracts. It also inserts appropriate definitions for these persons and ensures that the persons eligible include those providing corresponding services in other parts of the UK.
19. Subsection (4) expands the regulation-making powers contained in section 17E of the 1978 Act. It is intended that under section 17E regulations, performers of primary medical services under section 17C arrangements will have to demonstrate that they have a prescribed level of qualification and experience as part of their eligibility to provide such services. It is also intended that the regulations will set out the circumstances in which a provider of primary medical services under such arrangements can or must accept a patient and end the provider’s responsibility to a patient. These

*These notes relate to the Primary Medical Services (Scotland) Act
2004 (asp 1) which received Royal Assent on 27 January 2004*

new regulation-making powers bring section 17C arrangements into line with those governing the new GMS contract.

20. New section 17E(3A) enables the regulations to require that payments made under section 17C arrangements for primary medical services are made in accordance with directions of the Scottish Ministers.
21. New section 17E(3C) enables the regulations to set out circumstances under which a person who is a party to section 17C arrangements will be able to request a Health Board to replace those arrangements with a new GMS contract.
22. New section 17E(3D) enables the regulations to set out the process for pre-contract dispute resolution for section 17C arrangements, including provision for disputes to be determined by the Scottish Ministers or by a panel of persons appointed by them.
23. Subsection (5) repeals section 17H of the 1978 Act. That section ensures that all GPs have the opportunity to participate in the arrangements for vaccinations and immunisations. Under the new arrangements, the provision of immunisations and vaccinations will be part of the services to be provided in the section 17C arrangements themselves.