

*These notes relate to the Tobacco and Primary Medical Services
(Scotland) Act 2010 (asp 3) which received Royal Assent on 3 March 2010*

TOBACCO AND PRIMARY MEDICAL SERVICES (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT – OVERVIEW

Part 2 – Primary Medical Services

Section 37 – Contractual arrangements for the provision of primary medical services

52. Section 2C of the 1978 Act places an obligation on Health Boards to provide, or secure the provision of, primary medical services in respect of their area. Prior to this Act, section 2C(2) provided that Health Boards may make such arrangements to secure the provision of primary medical services as they think fit, including making contractual arrangements with any person. Two specific forms of arrangement are provided for in the 1978 Act, namely an arrangement under section 17C of the 1978 Act and a general medical service contract under section 17J of the 1978 Act, but Health Boards are free to make other arrangements if they wish.
53. **Section 37** replaces the wide power of Health Boards under section 2C(2) of the 1978 Act to “make contractual arrangements with any person” with a more limited power to enter into agreements which are one of the following: a section 17C arrangement, a general medical services contract, or an agreement with parties who would be eligible to enter into a section 17C arrangement.