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SCOTTISH STATUTORY INSTRUMENTS

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**2018 No. 66**

**The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018**

**PART 5**

**CONTRACTS: MANDATORY TERMS**

**Certificates**

**25.—**(1) A contract must contain a term which has the effect of requiring the contractor to issue free of charge to a patient or a patient’s personal representatives any medical certificate of a description prescribed in column 1 of schedule 4, which is reasonably required under or for the purposes of the enactments specified in relation to the certificate in column 2 of that schedule, except where, for the condition to which the certificate relates, the patient—

- (a) is being attended by a medical practitioner or an alternative provider for the relevant certificate who is not—
  - (i) employed or engaged by the contractor;
  - (ii) in the case of a contract with a partnership, one of the partners;
  - (iii) in the case of a contract with a limited liability partnership, one of the members; or
  - (iv) in the case of a contract with a company, one of the members; or
- (b) is not being treated by or under the supervision of a health care professional.

(2) The exception in paragraph (1)(a) will not apply where the certificate is a doctor’s statement issued in accordance with regulation 2(1) of the Social Security (Medical Evidence) Regulations 1976<sup>(1)</sup> (evidence of incapacity for work, limited capability for work and confinement) or regulation 2(1) of the Statutory Sick Pay (Medical Evidence) Regulations 1985<sup>(2)</sup> (medical information).

(3) The contract must contain a term which has the effect of providing that the contractor’s obligation to issue any medical certificate prescribed in column 1 of schedule 4 can be discharged on behalf of the contractor by an alternative provider for the relevant medical certificate.

(4) In this regulation “alternative provider” means another health care professional<sup>(3)</sup> who falls within the description of alternative providers specified in column 3 of schedule 4 in relation to the relevant medical certificate prescribed in column 1 of that schedule.

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(1) S.I. 1976/615. Regulation 2(1) was substituted by S.I. 2010/137.

(2) S.I. 1985/1604. Regulation 2(1) was substituted by S.I. 2010/137.

(3) “Health care professional” includes nurses and midwives registered with the Nursing and Midwifery Council.

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018, Section 25.