SCOTTISH STATUTORY INSTRUMENTS

2022 No. 82

PUBLIC HEALTH

The Coronavirus Act 2020 (Transitional Provision) (Scotland) Regulations 2022

Made - - - -	*2nd March 2022*
Laid before the Scottish Parliament	*4th March 2022*
Coming into force - -	*24th March 2022*

The Scottish Ministers make the following Regulations in exercise of the power conferred by section 89(7) of the Coronavirus Act 2020(**a**) and all other powers enabling them to do so.

The Scottish Ministers are satisfied that the condition specified in section 89(8) of that Act is satisfied in relation to the provisions for which transitional provision is made by these Regulations.

Citation and commencement

1. These Regulations may be cited as the Coronavirus Act 2020 (Transitional Provision) (Scotland) Regulations 2022 and come into force on 24 March 2022.

Transitional provision in relation to the expiry of section 4 and schedule 3 (emergency arrangements concerning medical practitioners: Scotland)

2. Regulation 7 (decisions and grounds for refusal and deferral) of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004(**b**) is amended as follows—

(a) after paragraph (5) insert—

"(5A) On the expiry of section 4 of the Coronavirus Act 2020(**c**), paragraphs (6A) and (7A) shall apply to any application the determination of which was deferred under regulation 7B(4)(**d**) (grounds for refusal and deferral under the Coronavirus Act 2020).",

(b) after paragraph (6) insert—

"(6A) As soon as is reasonably practicable after the expiry of section 4 of the Coronavirus Act 2020, the Health Board shall require an applicant whose application was deferred under regulation 7B(4) to confirm that the applicant wishes to proceed with the application and to

(**a**) 2020 c. 7.
(**b**) S.S.I. 2004/114. Relevant amending regulations are S.S.I. 2004/216, 2006/136 and 2007/207, 2010/234, 2011/392 and S.I. 2013/235.
(**c**) 2020 c. 7.
(**d**) Regulation 7B was inserted into S.S.I. 2004/114 by modification made by section 4 and paragraph 1 of schedule 3 of the Coronavirus Act 2020 (c. 7). The modification expired at the end of the day on 24 March 2022, see section 89 of the Coronavirus Act 2020.

provide details of any changes to the application, and any information included in the application, within 28 days (or such longer period as the Health Board specifies).", and

(c) after paragraph (7) insert—

"(7A) On the expiry of the period referred to in paragraph (6A), the Health Board shall again consider the application and notify the applicant and any relevant Health Board of its determination and the reasons for it (including any facts relied on), and where the Health Board refuses the application for inclusion, of the applicant's right to appeal under regulation 13 (appeal to the Scottish Ministers).".

JOHN SWINNEY
A member of the Scottish Government

St Andrew's House
Edinburgh
2nd March 2022

EXPLANATORY NOTE

(This note is not part of the Regulations)

The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 provide for each Health Board to maintain a primary medical services performers list for its area, sets out the criteria a person must meet in order for their name to be included on a performers list and the process which the Health Board must follow in considering applications. Section 4 and schedule 3 of the Coronavirus Act 2020 made temporary modifications to these criteria and to the process for considering applications to the primary medical services performers lists. These modifications included inserting regulation 7B(4) which set out an additional reason an application may be deferred by the Health Board. The modifications expire at the end of the day on 24 March 2022. These Regulations make transitional provision in relation to the end of deferrals under regulation 7B(4).

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