DELEGATED POWERS AND LAW REFORM COMMITTEE

AGENDA

10th Meeting, 2018 (Session 5)

Tuesday 20 March 2018

The Committee will meet at 10.00 am in the Adam Smith Room (CR5).

1. **Decision on taking business in private:** The Committee will decide whether to take items 4, 5 and 6 in private.

2. **Prescription (Scotland) Bill:** The Committee will take evidence on the Bill at Stage 1 from—
   
   Jill Clark, Head of Civil Law Reform Unit, Justice Directorate; Neel Mojee, Solicitor, Scottish Government Legal Directorate, Scottish Government; David Johnston QC, Commissioner; Gillian Swanson, Project Manager, Scottish Law Commission.

3. **Instruments subject to negative procedure:** The Committee will consider the following—

   National Health Service (General Medical Services Contracts and Primary Medical Services Section 17C Agreements) (Scotland) Amendment Regulations 2018 (SSI 2018/94).

4. **Management of Offenders (Scotland) Bill:** The Committee will consider its approach to the delegated powers provisions in this Bill at Stage 1.

5. **Scottish Crown Estate Bill:** The Committee will consider the contents of a report to the Environment, Climate Change and Land Reform Committee.

6. **UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill:** The Committee will consider further the delegated powers provisions in this Bill after Stage 2.

7. **Prescription (Scotland) Bill (in private):** The Committee will consider the evidence it heard earlier in the meeting.
The papers for this meeting are as follows—

**Agenda Items 2 and 7**
- Prescription (Scotland) Bill - As Introduced
- Prescription (Scotland) Bill - Explanatory Notes
- Prescription (Scotland) Bill - Policy Memorandum
- Prescription (Scotland) Bill - SPICe briefing

Briefing Paper (private)  
DPLR/S5/18/10/1(P)

**Agenda Item 3**
- Briefing on Instruments (private)
- Instrument Responses

DPLR/S5/18/10/2(P)  
DPLR/S5/18/10/3

**Agenda Item 4**
- Management of Offenders (Scotland) Bill - As Introduced
- Management of Offenders (Scotland) Bill - Delegated Powers Memorandum

Briefing Paper (private)  
DPLR/S5/18/10/4(P)

**Agenda Item 5**
- Scottish Crown Estate Bill - As Introduced
- Scottish Crown Estate Bill - Delegated Powers Memorandum

Draft Report (private)  
DPLR/S5/18/10/5(P)

**Agenda Item 6**
- Latest correspondence to the Minister for UK Negotiations on Scotland’s Place in Europe
The National Health Service (General Medical Services Contracts and Primary Medical Services Section 17C Agreements) (Scotland) Amendment Regulations 2018 (SSI 2018/94)

The instrument is being laid before the Scottish Parliament today, 14 March 2018 and comes into force on 1 April 2018.

Section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) has not been complied with. To meet the requirements of section 31(3) of that Act, this letter explains why.

The Amendment Regulations are required to correct a number of errors in the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018 (S.S.I. 2018/66) (“the GMS Regulations”) and the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2018 (S.S.I. 2018/67) (“the PMS Regulations”). Both instruments were laid before Parliament on 19 February 2018 and will come into force on 1 April 2018.

The GMS Regulations and the PMS Regulations set out the terms which Health Boards must observe in contracting with general practitioners (“GPs”) for the provision of primary medical services under a general medical services contract or a section 17C agreement. The majority of GP health care services in Scotland are delivered under a general medical services contract or a section 17C agreement, where the GP acts as an independent provider of services to the National Health Service for Scotland. This SSI is required to come into force on the same day as the Regulations which it amends to ensure that the GMS Regulations and PMS Regulations have the intended effect when they come into force.

The Amendment Regulations correct a number of typographical and cross-referencing errors in the GMS Regulations and in the PMS Regulations. The majority of the amendments made by the Amendment Regulations are made in response to concerns raised by the Parliament’s Delegated Powers and Legislative Reform Committee, however we have also taken this opportunity to make a minor change to properly reflect a point of policy in the 2018 Contract Regulations. The Committee provided its comments which raised these concerns on 26 February 2018. The Scottish Government made commitments to amend in responses submitted to the Committee on 1 and 2 March 2018. In the circumstances, it would not have been feasible to lay the Amendment Regulations on 2 March 2018 in order to comply with the 28 day rule.