

NATIONAL HEALTH SERVICE (SCOTLAND) ACT 1978

PROVISION OF ROUTINE VACCINATIONS AND IMMUNISATIONS (CORONAVIRUS OUTBREAK) (SCOTLAND) DIRECTIONS 2020

The Scottish Ministers in exercise of the powers conferred by sections 2(5) and 105(7) of the National Health Service (Scotland) Act 1978¹, and all other powers enabling them to do so, give the following Directions.

1. Citation, commencement and interpretation

1.1. These Directions may be cited as the Provision of Routine Vaccinations and Immunisations (Coronavirus Outbreak) (Scotland) Directions 2020 and come into force on 6 April 2020.

1.2. These Directions are given to Health Boards in Scotland and apply to Scotland only.

1.3. In these Directions—

“the Act” means the National Health Service (Scotland) Act 1978²,

“contractor” means a person who has entered into a GMS contract or a section 17C arrangement with a Health Board or a person with whom a Health Board has made arrangements for the provision of primary medical services under section 2C of the Act,

“GMS contract” means an agreement between a person and a Health Board which is subject to the terms of the GMS Regulations,

“GMS Regulations” means the National Health Service (General Medical Contracts) (Scotland) Regulations 2018³,

“Health Board”, in relation to a contractor, means the Health Board with which the contractor has entered into a GMS contract or section 17C arrangement or with which a person has made arrangements for the provision of primary medical services under section 2C of the Act,

“PMS Regulations” means the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2018⁴,

“section 17C arrangement” means an arrangement to provide primary medical services which is set out in an agreement made under section 17C of the Act and is subject to the terms of the PMS Regulations, and

“vaccinations and immunisations” includes childhood vaccinations and immunisations.

2. Provision of routine vaccinations and immunisations during Coronavirus outbreak

2.1 During the period in which these Directions are in force, Health Boards must ensure that arrangements are in place for the provision, within their area, of the vaccinations and immunisations mentioned in paragraph 2.2, in accordance with these Directions.

2.2 The vaccinations and immunisations are:-

- a. Influenza and Pneumococcal Directed Enhanced Service
- b. Shingles (Herpes Zoster) Immunisation Scheme Directed Enhanced Service
- c. Pertussis Immunisation Scheme Directed Enhanced Service

¹ 1978 c.29; section 2(5) was amended by the National Health Service and Community Care Act 1990 (c.19), section 66(1) and schedule 9, paragraph 19(1); Section 105(7) has been amended by the Health Services Act 1980 (c. 53), Health and Social Services and Social Security Adjudications Act 1983 (c.41), and the Health Act 1999 (c. 8). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

² 1978 c.29.

³ S.S.I. 2018/66

⁴ S.S.I 2018/67

- d. Meningitis B Immunisation Directed Enhanced Service
- e. Childhood Immunisation Scheme Directed Enhanced Service

2.3 Each Health Board should take steps to establish whether and to what extent the vaccinations and immunisations referred to in paragraph 2.2 can be provided by contractors who have previously agreed to provide those vaccinations and immunisations within the Health Board area by virtue of a GMS contract, a section 17C arrangement or, as the case may be, an arrangement under section 2C of the Act.

2.4 Where or to the extent that the vaccinations and immunisations referred to in paragraph 2.2 cannot be delivered by contractors who have previously agreed to provide those vaccinations and immunisations within the Health Board area, the Health Board should instead make arrangements for the provision of those vaccinations and immunisations by persons employed or engaged by the Health Board, or by other persons with whom the Health Board has made arrangements, subject to paragraph 3 below.

3. Requirements and conditions for the provision of vaccinations and immunisations in accordance with these Directions

3.1 In providing any vaccinations or immunisations in accordance with paragraph 2.4, the Health Board shall ensure that the following requirements are complied with:

- a. The requirements set out in paragraphs 4 and 5 of Schedule 1 of the GMS Regulations or, as the case may be, paragraphs 4 and 5 of Schedule 3 of the PMS Regulations; and
- b. The requirements of any other directions made by the Scottish Ministers which apply to the provision of any of the vaccinations or immunisations mentioned in paragraph 2.2, as such directions may be in force at the time of the provision.

3.2 The provision of vaccinations and immunisations under paragraph 2.4 shall not amount to any breach of contract between the contractor and the Health Board in respect of the previously agreed provision of such services and shall not affect any financial payments made or to be made to such contractors in respect of those services.

Jeane Freeman MSP
Cabinet Secretary for Health and Sport

St Andrew's House,
Edinburgh
7 April 2020