National Health Service Act 2006

2006 CHAPTER 41

PART 4

MEDICAL SERVICES

[F1 Duty of the Board in relation to primary medical services]

Textual Amendments

F1 S. 83 cross-heading substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 30(5)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

83 Primary medical services

[F2(1) The Board must, to the extent that it considers necessary to meet all reasonable requirements, exercise its powers so as to secure the provision of primary medical services throughout England.

(2) The Board may (in addition to any other power conferred on it) make such arrangements for the provision of primary medical services as it considers appropriate; and it may, in particular, make contractual arrangements with any person.

(2A) Arrangements made for the purposes of subsection (1) or (2) may include arrangements for the performance of a service outside England.]

(3) [F3The Board] must publish information about such matters as may be prescribed in relation to the primary medical services provided under this Act.

F4(4) . . . . . .

(5) Regulations may provide that services of a prescribed description must, or must not, be regarded as primary medical services for the purposes of this Act.

(6) Regulations under this section may in particular describe services by reference to the manner or circumstances in which they are provided.

Textual Amendments

F2 S. 83(1)-(2A) substituted for s. 83(1)(2) (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 30(2)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F3 Words in s. 83(3) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 30(3)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F4 S. 83(4) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 30(4)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

General medical services contracts

84 General medical services contracts: introductory

(1) **[**[F5]The Board**]** may enter into a contract under which primary medical services are provided in accordance with the following provisions of this Part.

(2) A contract under this section is called in this Act a "general medical services contract".

(3) A general medical services contract may make such provision as may be agreed between **[**[F6]the Board**]** and the contractor or contractors in relation to—

(a) the services to be provided under the contract,

(b) remuneration under the contract, and

(c) any other matters.

(4) The services to be provided under a general medical services contract may include—

(a) services which are not primary medical services,

[[F7](b) services to be performed outside England.**]**

(5) In this Part, "contractor", in relation to a general medical services contract, means any person entering into the contract with **[**[F8]the Board**]**.

Textual Amendments

F5 Words in s. 84(1) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 31(2)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F6 Words in s. 84(3) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 31(3)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F7 S. 84(4)(b) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 31(4)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F8 Words in s. 84(5) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 31(3)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

85 Requirement to provide certain primary medical services

(1) A general medical services contract must require the contractor or contractors to provide, for his or their patients, primary medical services of such descriptions as may be prescribed.

(2) Regulations under subsection (1) may in particular describe services by reference to the manner or circumstances in which they are provided.

Status: *Point in time view as at 01/04/2013.*
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86 Persons eligible to enter into GMS contracts

(1) **[**[F9]The Board**]** may, subject to such conditions as may be prescribed, enter into a general medical services contract with—

(a) a medical practitioner,

(b) two or more individuals practising in partnership where the conditions in subsection (2) are satisfied, or

(c) a company limited by shares where the conditions in subsection (3) are satisfied.

(2) The conditions referred to in subsection (1)(b) are that—

(a) at least one partner is a medical practitioner, and

(b) any partner who is not a medical practitioner is either—

(i) an NHS employee,

(ii) a section 92 employee, section 107 employee, section 50 employee, section 64 employee, section 17C employee or Article 15B employee,

(iii) a health care professional who is engaged in the provision of services under this Act or the National Health Service (Wales) Act 2006 (c. 42), or

(iv) an individual falling within section 93(1)(d).

(3) The conditions referred to in subsection (1)(c) are that—

(a) at least one share in the company is **[**[F10]both**]** legally and beneficially owned by a medical practitioner, and

(b) any share which is not so owned is **[**[F10]both**]** legally and beneficially owned by a person referred to in subsection (2)(b).

(4) Regulations may make provision as to the effect, in relation to a general medical services contract entered into by individuals practising in partnership, of a change in the membership of the partnership.

(5) In this section—
"health care professional", "NHS employee", "section 92 employee", "section 107 employee", "section 50 employee", "section 64 employee", "section 17C employee" and "Article 15B employee" have the meaning given by section 93.

Textual Amendments

F9 Words in s. 86(1) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 32**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F10 Word in s. 86(3)(a)(b) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), **ss. 202(1)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

87 GMS contracts: payments

(1) The Secretary of State may give directions as to payments to be made under general medical services contracts.

(2) A general medical services contract must require payments to be made under the contract in accordance with directions under this section.

(3) Directions under subsection (1) may in particular—

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(a) provide for payments to be made by reference to compliance with standards or the achievement of levels of performance,

(b) provide for payments to be made by reference to—

(i) any scheme or scale specified in the direction, or

(ii) a determination made by any person in accordance with factors specified in the direction,

(c) provide for the making of payments in respect of individual practitioners,

(d) provide that the whole or any part of a payment is subject to conditions (and may provide that payments are payable by **[**[F11]the Board**]** only if it is satisfied as to certain conditions),

(e) make provision having effect from a date before the date of the direction, provided that, having regard to the direction as a whole, the provision is not detrimental to the persons to whose remuneration it relates.

(4) Before giving a direction under subsection (1), the Secretary of State—

(a) must consult any body appearing to him to be representative of persons to whose remuneration the direction would relate, and

(b) may consult such other persons as he considers appropriate.

(5) "Payments" includes fees, allowances, reimbursements, loans and repayments.

Textual Amendments

F11 Words in s. 87(3)(d) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 33**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

88 GMS contracts: prescription of drugs, etc

(1) A general medical services contract must contain provision requiring the contractor or contractors to comply with any directions given by the Secretary of State for the purposes of this section as to the drugs, medicines or other substances which may or may not be ordered for patients in the provision of medical services under the contract.

(2) A direction under this section must, subject to subsection (3), be given by regulations.

(3) A direction under this section may be given by an instrument in writing where it gives effect to a request made in writing to the Secretary of State by a person who is a holder of a Community marketing authorization or United Kingdom marketing authorisation in respect of the drug, medicine or other substance to which the request relates.

(4) "Community marketing authorization" and "United Kingdom marketing authorisation" have the meaning given by regulation 1 of the Medicines for Human Use (Marketing Authorisations Etc.) Regulations 1994 (S.I. 1994/3144).

89 GMS contracts: other required terms

(1) A general medical services contract must contain such provision as may be prescribed (in addition to the provision required by the preceding provisions of this Part).

[[F12](1A) Regulations under subsection (1) may, in particular, make provision—

(a) for requiring a contractor who provides services of a prescribed description (a "relevant contractor") to be a member of a clinical commissioning group;

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(b) as to arrangements for securing that a relevant contractor appoints one individual to act on its behalf in the dealings between it and the clinical commissioning group to which it belongs;

(c) for imposing requirements with respect to those dealings on the individual appointed for the purposes of paragraph (b);

(d) for requiring a relevant contractor, in doing anything pursuant to the contract, to act with a view to enabling the clinical commissioning group to which it belongs to discharge its functions (including its obligation to act in accordance with its constitution).

(1B) Provision by virtue of subsection (1A)(a) may, in particular, describe services by reference to the manner or circumstances in which they are performed.

(1C) In the case of a contract entered into by two or more individuals practising in partnership—

(a) regulations making provision under subsection (1A)(a) may make provision for requiring each partner to secure that the partnership is a member of the clinical commissioning group;

(b) regulations making provision under subsection (1A)(b) may make provision as to arrangements for securing that the partners make the appointment;

(c) regulations making provision under subsection (1A)(d) may make provision for requiring each partner to act as mentioned there.

(1D) Regulations making provision under subsection (1A) for the case of a contract entered into by two or more individuals practising in partnership may make provision as to the effect of a change in the membership of the partnership.

(1E) The regulations may require an individual appointed for the purposes of subsection (1A)(b)—

(a) to be a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002, and

(b) to meet such other conditions as may be prescribed.**]**

(2) Regulations under subsection (1) may in particular make provision as to—

(a) the manner in which, and standards to which, services must be provided,

(b) the persons who perform services,

(c) the persons to whom services will be provided,

(d) the variation of contract terms (other than terms required by or under this Part),

(e) rights of entry and inspection (including inspection of clinical records and other documents),

(f) the circumstances in which, and the manner in which, the contract may be terminated,

(g) enforcement,

(h) the adjudication of disputes.

(3) Regulations making provision under subsection (2)(c) **[**[F13]must make**]** provision as to the circumstances in which a contractor or contractors—

(a) must or may accept a person as a patient to whom services are provided under the contract,

(b) may decline to accept a person as such a patient, or

(c) may terminate his or their responsibility for a patient.

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(4) Regulations under subsection (2)(d) may—

(a) make provision as to the circumstances in which **[**[F14]the Board**]** may impose a variation of contract terms,

(b) make provision as to the suspension or termination of any duty under the contract to provide services of a prescribed description.

(5) Regulations making provision of the kind described in subsection (4)(b) may prescribe services by reference to the manner or circumstances in which they are provided.

(6) Regulations under subsection (1) must make provision as to the right of patients to choose the persons from whom they receive services.

Textual Amendments

F12 S. 89(1A)-(1E) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 28(1)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

F13 Words in s. 89(3) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), **ss. 202(2)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

F14 Words in s. 89(4)(a) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 34(1)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

Modifications etc. (not altering text)

C1 S. 89(2)(d) modified (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 34(2)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

90 GMS contracts: disputes and enforcement

(1) Regulations may make provision for the resolution of disputes as to the terms of a proposed general medical services contract.

(2) Regulations under subsection (1) may make provision—

(a) for the referral of the terms of the proposed contract to the Secretary of State, and

(b) for the Secretary of State, or a person appointed by him, to determine the terms on which the contract may be entered into.

(3) Regulations may make provision for a person or persons entering into a general medical services contract to be regarded as a health service body for any purposes of section 9, in circumstances where he or they so elect.

(4) Regulations under subsection (3) may include provision as to the application of section 9 in cases where—

(a) persons practising in partnership elect to become a health service body, and

(b) there is a change in the membership of the partnership.

(5) Where—

(a) by virtue of regulations under subsection (3), section 9(11) applies in relation to a general medical services contract, and

(b) a direction as to payments is made under that subsection in relation to the contract,

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the direction is enforceable in a county court (if the court so orders) as if it were a judgment or order of that court.

Performance of primary medical services

91 Persons performing primary medical services

(1) Regulations may provide that a health care professional of a prescribed description may not perform any primary medical service for which **[**[F15]the Board**]** is responsible unless he is included in a list maintained under the regulations by **[**[F15]the Board**]**.

(2) For the purposes of this section—

(a) "health care professional" means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17),

[[F16](b) the Board is responsible for a medical service if it secures its provision by or under any enactment.**]**

(3) Regulations under this section may make provision in relation to lists under this section and in particular as to—

(a) the preparation, maintenance and publication of a list,

(b) eligibility for inclusion in a list,

(c) applications for inclusion (including provision [F17]... for the procedure for applications and the documents to be supplied on application),

(d) the grounds on which an application for inclusion may or must be granted or refused,

(e) requirements with which a person included in a list must comply (including the declaration of financial interests and gifts and other benefits),

(f) suspension or removal from a list (including provision for the grounds for, and consequences of, suspension or removal),

(g) circumstances in which a person included in a list may not withdraw from it,

(h) payments to be made in respect of a person suspended from a list (including provision for the amount of the payment, or the method of calculating the payment, to be determined by the Secretary of State or a person appointed by him),

(i) the criteria to be applied in making decisions under the regulations,

(j) appeals against decisions made by **[**[F18]the Board**]** under the regulations, and

(k) disclosure of information about applicants for inclusion, grants or refusals of applications or suspensions or removals,

and may make any provision corresponding to anything in sections 151 to 159.

(4) Regulations under this section may, in particular, also provide for—

(a) a person's inclusion in a list to be subject to conditions determined by **[**[F19]the Board**]**,

(b) **[**[F19]the Board**]** to vary the conditions or impose different ones,

(c) the consequences of failing to comply with a condition (including removal from a list),

(d) the review by **[**[F20]the Board**]** of decisions made by it by virtue of the regulations.

Status: *Point in time view as at 01/04/2013.*
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(5) The imposition of such conditions must be with a view to—

(a) preventing any prejudice to the efficiency of the services to which a list relates, or

(b) preventing fraud.

(6) Regulations making provision as to the matters referred to in subsection (3)(k) may in particular authorise the disclosure of information—

(a) by **[**[F21]the Board**]** to the Secretary of State, and

(b) by the Secretary of State to **[**[F21]the Board**]**.

Textual Amendments

F15 Words in s. 91(1) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 35(2)(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F16 S. 91(2)(b) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 35(3)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F17 Words in s. 91(3)(c) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 35(4)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F18 Words in s. 91(3)(j) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 35(2)(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F19 Words in s. 91(4)(a)(b) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 35(2)(c)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F20 Words in s. 91(4)(d) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 35(2)(c)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F21 Words in s. 91(6)(a)(b) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 35(2)(d)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

Other arrangements for the provision of primary medical services

92 **[**[F22]**Arrangements by the Board for the provision of primary medical services]**

[[F23](1) The Board may make agreements, other than arrangements pursuant to section 83(2) or general medical services contracts, under which primary medical services are provided.**]**

(2) An agreement must be in accordance with regulations under section 94.

(3) An agreement may not combine arrangements for the provision of primary medical services with arrangements for the provision of primary dental services.

(4) An agreement may not combine arrangements for the provision of primary medical services with arrangements for the provision of local pharmaceutical services.

(5) But an agreement may include arrangements for the provision of services which are not primary medical services but which may be provided under this Act, other than under Chapter 1 or 2 of Part 7 (pharmaceutical services and local pharmaceutical services under pilot schemes).

[F24](6) . . . . . .

[F25](7) . . . . . .

Status: *Point in time view as at 01/04/2013.*
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(8) In this Act, arrangements for the provision of services made under this section are called "section 92 arrangements".

Textual Amendments

F22 S. 92 title substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), s. 306(1)(d)(4), **Sch. 4 para. 36(5)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F23 S. 92(1) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), s. 306(1)(d)(4), **Sch. 4 para. 36(2)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F24 S. 92(6) omitted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(1)(d)(4), **Sch. 4 para. 36(3)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F25 S. 92(7) omitted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(1)(d)(4), **Sch. 4 para. 36(4)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

93 Persons with whom agreements may be made under section 92

(1) **[**[F26]The Board**]** may make an agreement under section 92 only with one or more of the following—

(a) an NHS trust or an NHS foundation trust,

(b) a medical practitioner who meets the prescribed conditions,

(c) a health care professional who meets the prescribed conditions,

(d) an individual who is providing services—

(i) under a general medical services contract or a general dental services contract or a Welsh general medical services contract or a Welsh general dental services contract,

(ii) in accordance with section 92 arrangements, section 107 arrangements, section 50 arrangements, section 64 arrangements, section 17C arrangements or Article 15B arrangements, or

(iii) under section 17J or 25 of the 1978 Act or Article 57 or 61 of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I.14)),

or has so provided them within such period as may be prescribed,

(e) an NHS employee, a section 92 employee, a section 107 employee, a section 50 employee, a section 64 employee, a section 17C employee or an Article 15B employee,

(f) a qualifying body,

[F27](g) . . . . . .

(2) The power under subsection (1) to make an agreement with a person falling within paragraph (d) or (e) of that subsection is subject to such conditions as may be prescribed.

(3) In this section—

"the 1978 Act" means the National Health Service (Scotland) Act 1978 (c. 29),

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"Article 15B arrangements" means arrangements for the provision of services made under Article 15B of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I.14)),

"Article 15B employee" means an individual who, in connection with the provision of services in accordance with Article 15B arrangements, is employed by a person providing or performing those services,

"health care professional" means a person who is a member of a profession regulated by a body mentioned (at the time the agreement in question is made) in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17),

"NHS employee" means an individual who, in connection with the provision of services in the health service, the Scottish health service or the Northern Ireland health service, is employed by—

(a) an NHS trust, an NHS foundation trust or (in Northern Ireland) a Health and Social Services Trust,

(b) a [F28]... Local Health Board,

(c) a person who is providing services under a general medical services contract or a general dental services contract or a Welsh general medical services contract or a Welsh general dental services contract,

(d) an individual who is providing services as specified in subsection (1)(d)(iii),

"the Northern Ireland health service" means the health service within the meaning of the Health and Personal Social Services (Northern Ireland) Order 1972,

"qualifying body" means a company which is limited by shares all of which are **[**[F29]both**]** legally and beneficially owned by persons falling within paragraph (a), (b), (c), (d) **[**[F30]or (e)**]** of subsection (1),

"the Scottish health service" means the health service within the meaning of the National Health Service (Scotland) Act 1978,

"section 17C arrangements" means arrangements for the provision of services made under section 17C of the 1978 Act,

"section 17C employee" means an individual who, in connection with the provision of services in accordance with section 17C arrangements, is employed by a person providing or performing those services,

"section 50 arrangements" means arrangements for the provision of services made under section 50 of the National Health Service (Wales) Act 2006 (c. 42),

"section 64 arrangements" means arrangements for the provision of services made under section 64 of that Act,

"section 107 employee" means an individual who, in connection with the provision of services in accordance with section 107 arrangements, is employed by a person providing or performing those services,

"section 92 employee" means an individual who, in connection with the provision of services in accordance with section 92 arrangements, is employed by a person providing or performing those services,

"section 50 employee" means an individual who, in connection with the provision of services in accordance with section 50 arrangements, is employed by a person providing or performing those services,

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"section 64 employee" means an individual who, in connection with the provision of services in accordance with section 64 arrangements, is employed by a person providing or performing those services,

"Welsh general medical services contract" means a contract under section 42(2) of the National Health Service (Wales) Act 2006 (c. 42), and

"Welsh general dental services contract" means a contract under section 57(2) of that Act.

Textual Amendments

F26 Words in s. 93(1) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 37(2)(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F27 S. 93(1)(g) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 37(2)(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F28 Words in s. 93(3) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 37(3)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F29 Word in s. 93(3) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), **ss. 202(3)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

F30 Words in s. 93(3) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 37(4)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

94 Regulations about section 92 arrangements

(1) The Secretary of State may make regulations about the provision of services in accordance with section 92 arrangements.

(2) The regulations must include provision for participants other than **[**[F31]the Board**]** to withdraw from section 92 arrangements if they wish to do so.

(3) The regulations may, in particular—

(a) provide that section 92 arrangements may be made only in prescribed circumstances,

(b) provide that section 92 arrangements may be made only in prescribed areas,

(c) provide that only prescribed services, or prescribed categories of service, may be provided in accordance with section 92 arrangements,

[[F32](ca) make provision with respect to the performance outside England of services to be provided in accordance with section 92 arrangements,**]**

(d) impose conditions (including conditions as to qualifications and experience) to be satisfied by persons performing services in accordance with section 92 arrangements,

(e) require details of section 92 arrangements to be published,

(f) make provision with respect to the variation and termination of section 92 arrangements,

(g) provide for parties to section 92 arrangements to be treated, in such circumstances and to such extent as may be prescribed, as health service bodies for the purposes of section 9,

(h) provide for directions, as to payments, made under section 9(11) (as it has effect as a result of regulations made by virtue of paragraph (g)) to be enforceable in a county court (if the court so orders) as if they were judgments or orders of that court.

Status: *Point in time view as at 01/04/2013.*
Changes to legislation: *National Health Service Act 2006, Part 4 is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[[F33](3A) Regulations under subsection (3)(d) may—

(a) require a person who provides services of a prescribed description in accordance with section 92 arrangements (a "relevant provider") to be a member of a clinical commissioning group;

(b) make provision as to arrangements for securing that a relevant provider appoints one individual to act on its behalf in dealings between it and the clinical commissioning group to which it belongs;

(c) impose requirements with respect to those dealings on the individual appointed for the purposes of paragraph (b);

(d) require a relevant provider, in doing anything pursuant to section 92 arrangements, to act with a view to enabling the clinical commissioning group to which it belongs to discharge its functions (including its obligation to act in accordance with its constitution).

(3B) Provision by virtue of subsection (3A)(a) may, in particular, describe services by reference to the manner or circumstances in which they are performed.

(3C) In the case of an agreement made with two or more persons—

(a) regulations making provision under subsection (3A)(a) may require each person to secure that the persons collectively are a member of the clinical commissioning group;

(b) regulations making provision under subsection (3A)(b) may make provision as to arrangements for securing that the persons collectively make the appointment;

(c) regulations making provision under subsection (3A)(d) may require each person to act as mentioned there.

(3D) Regulations making provision under subsection (3A) for the case of an agreement made with two or more persons may make provision as to the effect of a change in the composition of the group of persons involved.

(3E) The regulations may require an individual appointed for the purposes of subsection (3A)(b)—

(a) to be a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002, and

(b) to meet such other conditions as may be prescribed.**]**

(4) The regulations may also require payments to be made under the arrangements in accordance with directions given for the purpose by the Secretary of State.

(5) A direction may make provision having effect from a date before the date of the direction, provided that, having regard to the direction as a whole, the provision is not detrimental to the persons to whose remuneration it relates.

(6) The regulations may also include provision requiring **[**[F34]the Board**]**, in prescribed circumstances and subject to prescribed conditions, to enter into a general medical services contract on prescribed terms with any person who is providing services under section 92 arrangements and who so requests.

(7) The regulations may also include provision for the resolution of disputes as to the terms of any proposed section 92 arrangements, and in particular may make provision—

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(a) for the referral of the terms of the proposed arrangements to the Secretary of State, and

(b) for the Secretary of State or a person appointed by him to determine the terms on which the arrangements may be entered into.

(8) The regulations must provide for the circumstances in which a person providing primary medical services under section 92 arrangements—

(a) must or may accept a person as a patient to whom such services are so provided,

(b) may decline to accept a person as such a patient,

(c) may terminate his responsibility for a patient.

(9) The regulations must make provision as to the right of patients to choose the persons from whom they receive services under section 92 arrangements.

Textual Amendments

F31 Words in s. 94(2) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 38(2)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F32 S. 94(3)(ca) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 38(3)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F33 S. 94(3A)-(3E) inserted (27.3.2012 for specified purposes) by Health and Social Care Act 2012 (c. 7), **ss. 28(2)**, 306(1)(d)(4)

F34 Words in s. 94(6) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 38(4)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

Modifications etc. (not altering text)

C2 S. 94(3)(f) modified (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 38(5)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

[F35]95 Transfer of liabilities relating to section 92 arrangements

. . . . . .

Textual Amendments

F35 S. 95 omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 39**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

Assistance and support

96 Assistance and support: primary medical services

(1) **[**[F36]The Board**]** may provide assistance or support to any person providing or proposing to provide—

[[F37](za) primary medical services pursuant to section 83(2),**]**

(a) primary medical services under a general medical services contract, or

(b) primary medical services in accordance with section 92 arrangements.

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(2) Assistance or support provided by **[**[F38]the Board**]** under subsection (1) is provided on such terms, including terms as to payment, as **[**[F39]the Board**]** considers appropriate.

(3) "Assistance" includes financial assistance.

Textual Amendments

F36 Words in s. 96(1) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 40(2)(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F37 S. 96(1)(za) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 40(2)(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F38 Words in s. 96(2) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 40(3)(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F39 Words in s. 96(2) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 40(3)(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

Local Medical Committees

97 Local Medical Committees

(1) **[**[F40]The Board may recognise a committee formed for an area**]**, which it is satisfied is representative of—

(a) the persons to whom subsection (2) applies, and

(b) the persons to whom subsection (3) applies.

(2) This subsection applies to—

(a) each medical practitioner who, under a general medical services contract entered into by him, is providing primary medical services in the area for which the committee is formed, and

(b) each medical practitioner who, under a general ophthalmic services contract entered into by him, is providing primary ophthalmic services in that area.

(3) This subsection applies to each other medical practitioner—

(a) who is performing primary medical services or primary ophthalmic services in the area for which the committee is formed—

[F41](i) . . . . . .

(ii) in accordance with section 92 arrangements, or

(iii) under a general medical services contract or a general ophthalmic services contract, and

(b) who has notified **[**[F42]the Board**]** that he wishes to be represented by the committee (and has not notified it that he wishes to cease to be so represented).

(4) A committee recognised under this section is called the Local Medical Committee for the area for which it is formed.

(5) Any such committee may delegate any of its functions, with or without restrictions or conditions, to sub-committees composed of members of that committee.

(6) Regulations may require **[**[F43]the Board**]**, in the exercise of its functions relating to primary medical services, to consult any committee recognised by it under this section on such occasions and to such extent as may be prescribed.

Status: *Point in time view as at 01/04/2013.*
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[F44](7) . . . . . .

(8) A committee recognised under this section has such other functions as may be prescribed.

(9) A committee recognised under this section must in respect of each year determine—

(a) the amount of its administrative expenses for that year attributable to persons of whom it is representative under subsection (1)(a), and

(b) the amount of its administrative expenses for that year attributable to persons of whom it is representative under subsection (1)(b).

(10) **[**[F45]The Board**]** may—

(a) on the request of a committee recognised by it, allot to that committee such sums for defraying the expenses referred to in subsection (9)(a) as **[**[F46]the Board**]** may determine, and

(b) deduct the amount of such sums from the remuneration of persons of whom the committee is representative under subsection (1)(a) under the general medical services contracts entered into by those persons with **[**[F46]the Board**]**.

(11) A committee recognised under this section must apportion the amount determined by it under subsection (9)(b) among the persons of whom it is representative under subsection (1)(b); and each such person must pay in accordance with the committee's directions the amount so apportioned to him.

(12) The administrative expenses of a committee include the travelling and subsistence allowances payable to its members.

Textual Amendments

F40 Words in s. 97(1) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 41(2)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F41 S. 97(3)(a)(i) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 41(3)(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F42 Words in s. 97(3)(b) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 41(3)(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F43 Words in s. 97(6) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 41(4)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F44 S. 97(7) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 41(5)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F45 Words in s. 97(10) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 41(6)(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F46 Words in s. 97(10)(a)(b) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 41(6)(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

Provision of accommodation by the Secretary of State

98 Use of accommodation: provision of primary medical services

If the Secretary of State considers that any accommodation provided by him by virtue of this Act is suitable for use in connection with the provision of primary medical services, he may make the accommodation available on such terms as he considers appropriate to persons providing those services.

Status: *Point in time view as at 01/04/2013.*
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[F47 Directions

Textual Amendments

F47 S. 98A and cross-heading inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 49(1)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

98A Exercise of functions

(1) The Secretary of State may direct the Board to exercise any of the Secretary of State's functions relating to the provision of primary medical services.

(2) Subsection (1) does not apply to any function of the Secretary of State of making an order or regulations.

(3) The Secretary of State may give directions to the Board about its exercise of any functions relating to the provision of primary medical services (including functions which the Board has been directed to exercise under subsection (1)).

(4) The Board may direct a clinical commissioning group to exercise any of the Board's functions relating to the provision of primary medical services.

(5) The Board may give directions to a clinical commissioning group about the exercise by it of any functions relating to the provision of primary medical services (including functions which the group has been directed to exercise under subsection (4)).

(6) Subsection (4) does not apply to such functions, or functions of such descriptions, as may be prescribed.

(7) Where the Board gives a direction under subsection (4) or (5), it may disclose to the clinical commissioning group information it has about the provision of the primary medical services in question, if the Board considers it necessary or appropriate to do so in order to enable or assist the group to exercise the function specified in the direction.

(8) A clinical commissioning group exercising a function specified in a direction under subsection (4) or (5) must report to the Board on matters arising out of the group's exercise of the function.

(9) A report under subsection (8) must be made in such form and manner as the Board may specify.

(10) The Board may, in exercising its functions relating to the provision of the primary medical services in question, have regard to a report under subsection (8).**]**

Status:
Point in time view as at 01/04/2013.

Changes to legislation:
National Health Service Act 2006, Part 4 is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.