
STATUTORY INSTRUMENTS

2004 No. 291

NATIONAL HEALTH SERVICE, ENGLAND

**The National Health Service (General
Medical Services Contracts) Regulations 2004**

Made - - - - 8th February 2004

Laid before Parliament 9th February 2004

Coming into force 1st March 2004

**THE NATIONAL HEALTH SERVICE (GENERAL
MEDICAL SERVICES CONTRACTS) REGULATIONS 2004**

PART 1

GENERAL

1. Citation, commencement and application
2. Interpretation

PART 2

CONTRACTORS

3. Conditions: general
4. Conditions relating solely to medical practitioners
5. General condition relating to all contracts
6. Reasons
7. Appeal
8. Prescribed period under section 28D(1)(bc) of the Act

PART 3

PRE-CONTRACT DISPUTE RESOLUTION

9. Pre-contract disputes

PART 4

HEALTH SERVICE BODY STATUS

10. Health service body status

PART 5

CONTRACTS: REQUIRED TERMS

11. Parties to the contract
12. Health service contract
13. Contracts with individuals practising in partnership
14. Duration
15. Essential services
16. Additional services
17. Opt outs of additional and out of hours services
18. Services generally
19. (1) Except in the case of the services referred to...
20. A contract must contain a term which requires the contractor...
21. Certificates
22. Finance
23. The contract must contain a term to the effect that...
24. Fees and charges
25. Arrangements on termination
26. Other contractual terms

PART 6

FUNCTIONS OF LOCAL MEDICAL COMMITTEES

27. (1) The functions of a Local Medical Committee which are...

PART 7

TRANSITIONAL PROVISIONS

28. Commencement
29. Additional services
30. Out of hours services
31. (1) Where the contract is with— (a) an individual medical...
32. A contract which includes the provision of out of hours...
Signature

SCHEDULES

- Schedule 1 — Repeat Dispensing Forms
Part 1 — Repeatable prescription
Part 2 — Batch issue

Schedule 2 — Additional services

1. Additional services generally
2. Cervical screening
3. Contraceptive services
4. Vaccinations and immunisations
5. Childhood vaccinations and immunisations
6. Child health surveillance
7. Maternity medical services
8. Minor surgery

Schedule 3 — Opt outs of additional and out of hours services

1. Opt outs of additional services: general
2. Temporary opt outs and permanent opt outs following temporary opt outs
3. Permanent opt outs
4. Out of hours opt outs where the opt out notice is served after 30th September 2004
5. Out of hours opt outs where the opt out notice is served before 1st October 2004
6. Informing patients of opt outs

Schedule 4 — List of prescribed medical certificates

Schedule 5 — Fees and charges

Schedule 6 — Other contractual terms

Part 1 — Provision of services

1. Premises
2. Attendance at practice premises
3. Attendance outside practice premises
4. Newly registered patients
5. Patients not seen within three years
6. Patients aged 75 years and over
7. Clinical reports
8. Storage of vaccines
9. Infection control
10. Criteria for out of hours services
11. Standards for out of hours services
- 12-13. Duty of co-operation in relation to additional, enhanced and out of hours services

Part 2 — Patients

14. List of patients
15. Application for inclusion in a list of patients
16. Temporary residents
17. Refusal of applications for inclusion in the list of patients or for acceptance as a temporary resident
18. Patient preference of practitioner
19. Removal from the list at the request of the patient
20. Removal from the list at the request of the contractor
21. Removals from the list of patients who are violent
22. Removals from the list of patients registered elsewhere
- 23-24. Removals from the list of patients who have moved
25. Removals from the list of patients absent from the United Kingdom etc.
26. Removals from the list of patients accepted elsewhere as temporary residents
27. Removals from the list of pupils etc. of a school
28. Termination of responsibility for patients not registered with the contractor
29. Closure of lists of patients
30. Approval of closure notice by the Primary Care Trust
31. Rejection of closure notice by the Primary Care Trust
32. Assignment of patients to lists: open lists
33. Assignment of patients to lists: closed lists
34. Factors relevant to assignments
35. Assignments to closed lists: determinations of the assessment panel

- 36. Assignments to closed lists: NHS dispute resolution procedure relating to determinations of the assessment panel
- 37. Assignments to closed lists: assignments of patients by a Primary Care Trust
 - Part 3 — Prescribing and dispensing
- 38-39 Prescribing
 - 40. Repeatable prescribing services
 - 41. Repeatable prescriptions
 - 42. Restrictions on prescribing by medical practitioners
 - 43. Restrictions on prescribing by supplementary prescribers
 - 44. Bulk prescribing
 - 45. Interpretation of paragraphs 38, 39 and 41-44
 - 46. Excessive prescribing
 - 47. Provision of dispensing services
 - 48. Consent to dispense
 - 49. Contractors who previously provided dispensing services under pilot schemes or section 28C arrangements
 - 50. Terms relating to the provision of dispensing services
 - 51. Dispensing contractor list
 - 52. Provision of drugs, medicines and appliances for immediate treatment or personal administration
 - Part 4 — Persons who perform services
- 53-56 Qualifications of performers
- 57-60 Conditions for employment and engagement
- 61-62 Training
 - 63. Terms and conditions
 - 64. Arrangements for GP Registrars
 - 65. Independent nurse prescribers and supplementary prescribers
 - 66. Signing of documents
 - 67. Level of skill
 - 68. Appraisal and assessment
 - 69. Sub-contracting of clinical matters
 - 70. Sub-contracting of out of hours services
- 71-72 Withdrawal and variation of approval under paragraph 70
 - Part 5 — Records, information, notifications and rights of entry
- 73. Patient records
- 74. Access to records for the purpose of the Quality Information Preparation Scheme
- 75. Confidentiality of personal data
- 76. Practice leaflet
- 77. Provision of information
- 78. Requests for information from Patients' Forums
- 79. Inquiries about prescriptions and referrals
- 80. Reports to a medical officer
- 81. Annual return and review
- 82-84 Notifications to the Primary Care Trust
 - 85. Notice provisions specific to a contract with a company limited by shares
 - 86. Notice provisions specific to a contract with two or more individuals practising in partnership
 - 87. Notification of deaths
 - 88. Notifications to patients following variation of the contract
 - 89. Entry and inspection by the Primary Care Trust
 - 90. Entry and inspection by members of Patients' Forums

91. Entry and inspection by the Commission for Healthcare Audit and Inspection
 - Part 6 — Complaints
 92. Complaints procedure
 - 93-94 Making of complaints
 95. Period for making complaints
 96. Further requirements for complaints procedures
 97. Co-operation with investigations
 98. Provision of information about complaints
 - Part 7 — Dispute resolution
 99. Local resolution of contract disputes
 100. Dispute resolution: non-NHS contracts
 101. NHS dispute resolution procedure
 102. Determination of dispute
 103. Interpretation of Part 7
 - Part 8 — Variation and termination of contracts
 104. Variation of a contract: general
 105. Variation provisions specific to a contract with an individual medical practitioner
 106. Variation provisions specific to a contract with two or more individuals practising in partnership
 107. Termination by agreement
 108. Termination by the contractor
 109. Late payment notices
 110. Termination by the Primary Care Trust: general
 111. Termination by the Primary Care Trust for breach of conditions in regulation 4
 112. Termination by the Primary Care Trust for the provision of untrue etc. information
 - 113-114 Other grounds for termination by the Primary Care Trust
 115. Termination by the Primary Care Trust: remedial notices and breach notices
 116. Termination by the Primary Care Trust: additional provisions specific to contracts with two or more individuals practising in partnership and companies limited by shares
 117. Contract sanctions
 118. Contract sanctions and the NHS dispute resolution procedure
 119. Termination and the NHS dispute resolution procedure
 120. Consultation with the Local Medical Committee
 - Part 9 — Miscellaneous
 121. Clinical governance
 - 122-123 Insurance
 124. Gifts
 125. Compliance with legislation and guidance
 126. Third party rights
-
- Schedule 7 — Out of hours services
 1. Temporary arrangements for transfer of obligations and liabilities in relation to certain out of hours services
 2. Application for approval of an out of hours arrangement
 3. Effect of approval of an arrangement with a transferee doctor
 4. Review of approval
 5. Suspension of approval
 6. Immediate withdrawal of approval other than following review

7. Suspension or termination of an out of hours arrangement

Schedule 8 — Closure notice

Schedule 9 — Primary Care Trusts specified for the purposes of repeatable prescribing

Schedule 10 — Information to be included in practice leaflets

Explanatory Note