

SCHEDULE 7

Schedule 5, paragraph 12(2)

MODIFICATION OF PATIENT PROVISIONS WHERE  
THE CONTRACTOR IS A PRIMARY CARE TRUST

1. Part 2 of Schedule 5 shall apply as modified by paragraphs 2 to 14 below where the contractor is a Primary Care Trust which provides essential services under the agreement.

2. As if paragraph 13 were substituted as follows—

**“Lists of patients**

13. Where a Primary Care Trust provides essential services under the agreement, it shall prepare and keep up to date a list of the patients—

- (a) who it has accepted under paragraph 14 and who have not subsequently been removed from that list under paragraphs 18 to 26; and
- (b) who it has assigned to itself under paragraph 29.”

3. In paragraph 14—

- (a) as if sub-paragraphs (2) and (5) were omitted; and
- (b) as if sub-paragraph (6) were substituted as follows—

“(6) Where a Primary Care Trust accepts an application under sub-paragraph (1), it shall include that patient in its list of patients and notify the applicant (or, in the case of a child or incapable adult, the person making the application on their behalf), of the acceptance.”

4. In paragraph 15, as if sub-paragraph (4) were omitted.

5. In paragraph 16(4), as if the reference to the Primary Care Trust were a reference to the Strategic Health Authority.

6. As if paragraphs 18 to 20 were substituted as follows—

**“Removal from the list at the request of the patient**

18.—(1) Where the Primary Care Trust receives in writing a request from a registered patient for his removal from its list of patients, it shall remove that person from its list of patients.

(2) A removal under sub-paragraph (1) shall take effect—

- (a) on the date on which the Primary Care Trust receives notification of the registration of the person with another provider of essential services (or their equivalent); or
- (b) 14 days after the date on which the request made under sub-paragraph (1) is received by the Primary Care Trust,

whichever is the sooner.

(3) The Primary Care Trust shall, as soon as practicable, notify in writing, subject to sub-paragraph (4), the patient that his name will be, or has been, removed from its list of patients on the date referred to in sub-paragraph (2).

(4) In this paragraph and in paragraphs 19(2), 20(3), 22(2), 25(2)(b) and 27(3), a reference to a request received from or advice, information or notification required to be given to a patient shall include a request received from or advice, information or notification required to be given to—

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- (a) in the case of a patient who is a child, a parent or other person referred to in paragraph 14(4)(a); or
- (b) in the case of an adult patient who is incapable of making the relevant request or receiving the relevant advice, information or notification, a relative or the primary carer of the patient.

**Removals from the list at the behest of the Primary Care Trust**

19.—(1) Subject to paragraph 20, a Primary Care Trust may remove a patient from its list of patients if it has reasonable grounds for wishing to remove the patient which do not relate to the applicant’s race, gender, social class, age, religion, sexual orientation, appearance, disability or medical condition.

(2) The Primary Care Trust shall notify the patient of its specific reasons for removing him from its list of patients and the date on which the patient’s name is or will be removed from its list of patients.

(3) Except in the circumstances specified in sub-paragraph (4), a Primary Care Trust may only remove a patient under sub-paragraph (1), if, within the period of 12 months prior to the date of the removal, it has warned the patient that he is at risk of removal.

(4) The circumstances referred to in sub-paragraph (3) are that—

- (a) the reason for removal relates to a change in address;
- (b) the Primary Care Trust has reasonable grounds for believing that the issue of such a warning would—
  - (i) be harmful to the physical or mental health of the patient, or
  - (ii) put at risk the safety of the Primary Care Trust’s staff or any other person; or
- (c) it is, in the opinion of the Primary Care Trust, not reasonable or practical for it to do so.

(5) The Primary Care Trust shall record in writing—

- (a) the date of any warning given in accordance with sub-paragraph (3) and the reasons for giving such a warning as explained to the patient; or
- (b) the reason why no such warning was given.

(6) The Primary Care Trust shall keep a written record of removals under this paragraph which shall include—

- (a) the reason for removal given to the patient; and
- (b) the circumstances of the removal,

and shall make this record available to the Strategic Health Authority on request.

(7) A removal in accordance with sub-paragraph (1) shall, subject to sub-paragraph (8), take effect from—

- (a) the date on which the Primary Care Trust receives notification of the registration of the person with another provider of essential services (or their equivalent); or
- (b) the eighth day after the decision of the Primary Care Trust to remove the patient under sub-paragraph (1),

whichever is the sooner.

(8) Where, on the date on which the removal would take effect under sub-paragraph (7), the Primary Care Trust is treating the patient at intervals of less than seven days, the removal shall take effect—

- (a) on the eighth day after the person no longer needs such treatment; or

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- (b) on the date on which the Primary Care Trust receives notification of the registration of the person with another provider of essential services (or their equivalent),  
whichever is the sooner.

**Removals from the list of patients who are violent**

**20.**—(1) The Primary Care Trust may remove a patient from its list of patients with immediate effect on the grounds that the patient has committed an act of violence against any of the persons specified in sub-paragraph (2) or behaved in such a way that any such person has feared for his safety provided that it has reported the incident to the police.

(2) The persons referred to in sub-paragraph (1) are—

- (a) any member of the Primary Care Trust’s staff; or
- (b) any other person present—

(i) on the contractor’s premises, or

(ii) in the place where services were provided to the patient by the Primary Care Trust under the agreement.

(3) Where the Primary Care Trust has removed a patient from its list of patients in accordance with sub-paragraph (1) it shall give written notice of the removal to the patient.

(4) Where a patient is removed from the Primary Care Trust’s list of patients in accordance with this paragraph, the Primary Care Trust shall record in the patient’s medical records that the patient has been removed under this paragraph and the circumstances leading to his removal.”.

7. In paragraph 21 as if—

- (a) in sub-paragraph (1) the reference to “the contractor’s list of patients” were to “its list of patients”; and
- (b) sub-paragraph (3) were omitted.

8. As if paragraph 22 were substituted as follows—

**“Removals from the list of patients who have moved**

**22.**—(1) Subject to sub-paragraph (2), where the Primary Care Trust is satisfied that a person on its list of patients has moved and no longer resides in its practice area, the Primary Care Trust shall—

- (a) inform the patient that it is no longer obliged to visit and treat him;
- (b) advise the patient in writing either that—

(i) it agrees nonetheless to his continued inclusion in its list of patients if he so wishes, but that he may apply for registration with another provider of essential services (or their equivalent), or

(ii) he cannot continue to be included in its list of patients and that his name will be removed from its list of patients at the expiration of 30 days from the date of its letter, and that he should apply for registration with another provider of essential services (or their equivalent); and

- (c) where it has written in terms of paragraph (b)(i), inform him that if, after the expiration of 30 days from the date of the Primary Care Trust’s letter, he has not acted in accordance with the advice and informed it accordingly, the Primary Care Trust will remove him from its list of patients.

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(2) Where the Primary Care Trust has written in terms of sub-paragraph (1)(b)(i), if at the end of the expiration of the period of 30 days referred to in sub-paragraph (1)(c) it has not been notified of the action taken, it shall remove the patient from its list of patients and inform the patient accordingly.

(3) Where the Primary Care Trust has written in terms of sub-paragraph (1)(b)(ii), the Primary Care Trust shall remove the patient from its list of patients at the expiration of the period of 30 days referred to in that sub-paragraph.”.

9. As if paragraph 23 were omitted.

10. In paragraph 24, as if—

- (a) in sub-paragraph (1) the reference to the “contractor’s list of patients” were to “its list of patients”; and
- (b) sub-paragraph (3) were omitted.

11. In paragraph 25 as if—

- (a) in sub-paragraph (1), the reference to “the contractor’s list of patients” were to “its list of patients”; and
- (b) for sub-paragraphs (2) and (3) there were substituted—

“(2) Where practicable, the Primary Care Trust shall notify the patient in writing of—

- (a) his removal under sub-paragraph (1); and
- (b) his entitlement to make arrangements for the provision to him of essential services (or their equivalent), including by the contractor by which he has been treated as a temporary resident.”.

12. In paragraph 26 as if—

- (a) in sub-paragraph (1) the reference to “the contractor” were a reference to “the Primary Care Trust” and as if the references to “the contractor’s list of patients” were to “its list of patients”; and
- (b) sub-paragraphs (2) and (3) were omitted.

13. In paragraph 27 as if—

- (a) references to “the contractor” were to “the Primary Care Trust”;
- (b) in sub-paragraph (3), the reference to “A contractor” were to “A Primary Care Trust”; and
- (c) in sub-paragraph (4), for the words “to the Primary Care Trust” there were substituted “to the Strategic Health Authority”.

14. For paragraphs 28 to 36 there shall be substituted—

**“Closure of lists of patients**

28. A Primary Care Trust may not close its list of patients.

**Assignment of patients to lists**

29.—(1) Where the Primary Care Trust is considering assigning a new patient to a provider of essential services (or their equivalent) in its area, it shall consider whether the patient ought to be assigned to itself to receive those services under the agreement, and in particular it shall have regard to the following factors—

- (a) the wishes and circumstances of the patient to be assigned;
- (b) the distance between the patient’s place of residence and its practice premises;

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- (c) whether, during the six months ending on the date on which the application for assignment is received by it, the patient's name has been removed from the list of patients of any contractor or other provider of essential services (or their equivalent) in its area under paragraph 19 or its equivalent provision applying in relation to that contractor;
  - (d) whether the patient's name has been removed from the list of patients of any contractor or other provider of essential services (or their equivalent) in its area under paragraph 20 or its equivalent provision applying in relation to that contractor and, if so, whether it has appropriate facilities to deal with such a patient; and
  - (e) such other matters as it considers to be relevant.
- (2) The Primary Care Trust shall keep a record of the decisions taken under subparagraph (1) and shall make it available to the Strategic Health Authority on request.
- (3) In this paragraph "new patient" means a person who—
- (a) is resident (whether or not temporarily) within the area of the Primary Care Trust;
  - (b) has been refused inclusion in a list of patients of, or has not been accepted as a temporary resident by, a contractor or other provider of essential services (or their equivalent) whose premises are within such an area; and
  - (c) wishes to be included in the list of patients of a contractor or other provider of essential services (or their equivalent) whose practice premises are within that area."