
STATUTORY INSTRUMENTS

2004 No. 865

**The General Medical Services and Personal Medical Services
Transitional and Consequential Provisions Order 2004**

PART 6

**TRANSITIONAL, TRANSITORY AND SAVING PROVISIONS
RELATING TO OUT OF HOURS ARRANGEMENTS AND SERVICES**

Refusal of approval of out of hours arrangements under personal medical services agreements

80.—(1) Where—

- (a) on or before 31st March 2004, a relevant body had notified a pilot scheme provider under regulation 4(4) of the PMS Out of Hours Regulations that it had refused approval of an out of hours arrangement; and
- (b) on 1st April 2004, that pilot scheme provider has become a PMS contractor,

paragraphs (2) and (3) shall apply.

(2) In a case where the time for appealing under regulation 4(5) of the PMS Out of Hours Regulations had not expired on or before 31st March 2004, that refusal shall be treated as if it were a refusal under—

- (a) the term of the agreement to which the former pilot scheme provider is a party which gives effect to paragraph 2 of Schedule 6 to the Personal Medical Services Agreements Regulations; or
- (b) the equivalent term deemed to be included in that person's transitional agreement pursuant to article 60(7),

subject to the modification that the 30 days referred to in the term (or deemed term) of the agreement giving effect to paragraph 2(5) of that Schedule shall be treated as beginning with the day on which the relevant body's notification under regulation 4(4) was sent.

(3) In a case where, on 31st March 2004, an appeal had been made under regulation 4(5) of the PMS Out of Hours Regulations but not yet been determined or withdrawn, that appeal shall continue to be dealt with as if regulation 4 had not been revoked and, if the appeal is successful, the approval of the arrangement shall be treated as an approval given under the term of the agreement to which the pilot scheme provider is a party which gives effect to paragraph 2 of Schedule 6 to the Personal Medical Services Agreements Regulations.

(4) For the purposes of a dispute pursuant to paragraph (2) or an appeal dealt with pursuant to paragraph (3), the application which is the subject of the dispute or appeal shall be read as if any references to the patients of the pilot scheme provider were references to the patients of the PMS contractor.