
WELSH STATUTORY INSTRUMENTS

2004 No. 477

**The General Medical Services Transitional and
Consequential Provisions (Wales) Order 2004**

PART 2

ENTITLEMENT TO CONTRACTS

Duration of entitlement to a general medical services contract

6.—(1) Subject to paragraphs (2) to (5), a person who is entitled to enter into a general medical services contract under articles 3 or 5 and who has not entered into such a contract on or before 31st March 2004, shall only continue to be so entitled if —

- (a) he or she has entered into a default contract with the Local Health Board and article 7 does not apply;
- (b) in the case of a person who is entitled to a contract under article 5, that person has remained a party to that default contract up to the date of signing of the general medical services contract; and
- (c) he or she, or, in the case of a person practising in partnership, a partner or partners of that person, has or have signed the general medical services contract—
 - (i) on or before 30th September 2004, or
 - (ii) in a case where the default contract has been extended pursuant to article 14(2), within the period of 28 days from the date on which the parties were notified of determination of the dispute relating to the default contract or, as the case may be, relating to the terms of the general medical services contract or that dispute was withdrawn,

unless article 11 applies.

(2) Where a person has been refused a general medical services contract because the Local Health Board is not satisfied as to the matters specified in article 3(3), that person shall, subject to articles 7 and 12, only continue to be entitled to enter into such a contract (whether following a default contract or not) until—

- (a) the end of the period of six weeks after the suspension which gave rise to that refusal has ended other than in removal from the Medical Register or a medical performers list; or
- (b) in a case where either party has, before the end of the period of six weeks referred to in subparagraph (a), referred the terms of the general medical services contract to the Assembly to consider and determine under section 4(4) of the 1990 Act or regulation 9 of the 2004 Regulations but that dispute has not been determined or withdrawn, the end of the period of 28 days from the date on which the parties were notified of the determination of that dispute or the dispute was withdrawn,

unless article 11 applies.

(3) Where a person has been refused a general medical services contract because the Local Health Board is not satisfied as to the matter specified in article 3(6), and, before 31st March 2005, the Local Health Board is satisfied, after consultation with the Local Medical Committee, that he is able to provide services under a general medical services contract, that person shall, subject to articles 7 and 12, only continue to be entitled to enter into such a contract (whether following a default contract or not) until—

- (a) the end of the period of six weeks after the date on which the Local Health Board was so satisfied; or
- (b) in a case where either party has, before the end of the period of six weeks referred to in subparagraph (a), referred the terms of the general medical services contract to the Assembly to consider and determine under section 4(4) of the 1990 Act or regulation 9 of the 2004 Regulations but that dispute has not been determined or withdrawn, the end of the period of 28 days from the date on which the parties were notified of the determination of that dispute or the dispute was withdrawn,

unless article 11 applies.

(4) Where a person has been refused a general medical services contract because the Local Health Board is not satisfied as to the matter specified in article 3(6), and paragraph (3) does not apply, that person shall, subject to article 12, only continue to be entitled to enter into such a contract until 31st March 2005, unless article 11 applies.

(5) Where a person who is entitled to enter into a general medical services contract under article 3(1) has been unable to do so before 30th September 2004 (whether following a default contract or not) because he or she is performing relevant service, his or her entitlement shall, subject to articles 7 and 14, continue until —

- (a) the end of the period of 6 weeks after the date on which he or she ceased to perform relevant service; or
- (b) in a case where either party has, before the end of the period of six weeks referred to in subparagraph (a), referred the terms of the general medical services contract to the Assembly to consider and determine under section 4(4) of the 1990 Act or regulation 9 of the 2004 Regulations but that dispute has not been determined or withdrawn, the end of the period of 28 days from the date on which the parties were notified of the determination of that dispute or the dispute was withdrawn,

unless article 11 applies.

(6) Nothing in articles 3 and 5 or this article shall require a Local Health Board to enter into a general medical services contract with any person (whether as an individual or as a member of a partnership) on more than one occasion.