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WELSH STATUTORY INSTRUMENTS

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**2016 No. 90**

**The National Health Service (Primary Medical Services  
and Primary Dental Services) (Wales) (Amendment  
and Transitional Provision) Regulations 2016**

**PART 2**

**Amendment of the GMS Contracts Regulations**

**Amendment of regulation 2 of the GMS Contracts Regulations**

**3.** In regulation 2(1) of the GMS Contracts Regulations (interpretation), after the definition of “approved medical practice” insert—

““armed forces of the Crown” means the forces that are “regular forces” or “reserve forces” within the meaning given in section 374 of the Armed Forces Act 2006<sup>(1)</sup>(definitions applying for the purposes of the whole Act);”.

**Amendment of regulation 10 of the GMS Contracts Regulations**

**4.** In regulation 10 of the GMS Contracts Regulations (health service body status), for paragraph (7)(b) substitute—

“(b) paragraph (5), where it or the Local Health Board—

(i) has referred any matter to the NHS dispute resolution procedure before it ceases to be a health service body, or

(ii) refers any matter to the NHS dispute resolution procedure, in accordance with paragraph 98(1) of Schedule 6, after it ceases to be a health service body,

the contractor is to continue to be regarded as a health service body (and accordingly the contract is to continue to be regarded as an NHS contract) for the purposes of the consideration and determination of the dispute;”.

**Insertion of a new paragraph 15A into Schedule 6 to the GMS Contracts Regulations**

**5.** In Schedule 6 to the GMS Contracts Regulations (other contractual terms), after paragraph 15 (application for inclusion in a list of patients), insert—

**“Inclusion in list of patients: armed forces personnel**

**15A.**—(1) The contractor may, if its list of patients is open, include a person to whom sub-paragraph (2) applies in that list for a period of up to two years and paragraph 25(1)(b) does not apply in respect of any person who is included in the contractor’s list of patients by virtue of this paragraph.

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(1) 2006 c. 52; a relevant amendment to section 374 was made by section 44(3) and (4) of the Defence Reform Act 2014 (c. 20).

- (2) This sub-paragraph applies to a person who is—
- (a) a serving member of the armed forces of the Crown who has received written authorisation from Defence Medical Services<sup>(2)</sup> to receive primary medical services from the contractor’s practice; and
  - (b) living or working within the contractor’s practice area during the period in respect of which that written authorisation is given.
- (3) Where the contractor has accepted a person to whom sub-paragraph (2) applies onto its lists of patients, the contractor must—
- (a) obtain a copy of the patient’s medical record, or a summary of that record, from Defence Medical Services; and
  - (b) provide regular updates to Defence Medical Services, at such intervals as are agreed with Defence Medical Services, about any care and treatment which the contractor has provided to the patient.
- (4) At the end of the period of two years, or on such earlier date as the contractor’s responsibility for the patient has come to an end, the contractor must—
- (a) notify Defence Medical Services of the fact that the contractor’s responsibility for the patient has come to an end; and
  - (b) update the patient’s medical record, or summary of that record, and return it to Defence Medical Services.
- (5) In this paragraph, “primary medical services” means the medical services which are provided by the contractor’s practice under the contract to which Part 4 of the Act applies.”.

#### **Amendment of paragraph 25 of Schedule 6 to the GMS Contracts Regulations**

6. In Schedule 6 to the GMS Contracts Regulations (other contractual terms), in paragraph 25 (removals from the list of patients absent from the United Kingdom etc), for sub-paragraph (1)(b) substitute—

- “(b) is in the armed forces of the Crown (except in the case of a patient to which paragraph 15A applies);”.

#### **Amendment of paragraph 67 of Schedule 6 to the GMS Contracts Regulations**

7. In Schedule 6 to the GMS Contracts Regulations (other contractual terms), in paragraph 67, sub-paragraph (2) (appraisal and assessment), for the words “United Kingdom Armed Forces of Her Majesty” substitute “armed forces of the Crown”.

#### **Amendment of paragraph 98 of Schedule 6 to the GMS Contracts Regulations**

8. In Schedule 6 to the GMS Contracts Regulations (other contractual terms), in paragraph 98 (dispute resolution: non-NHS contracts), for sub-paragraph (1) substitute—

“(1) In the case of a contract that is not an NHS contract, any dispute arising out of or in connection with the contract, except matters dealt with under the procedures for notifying concerns or making complaints pursuant to Part 5A and 6 of this Schedule, may be referred for consideration and determination to the Welsh Ministers—

- (a) if it relates to a period when the contractor was treated as a health service body, by the contractor or by the Local Health Board; or

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(2) Defence Medical Services is an umbrella organisation within the Ministry of Defence responsible for the provision of medical, dental and nursing services in the United Kingdom to members of the armed forces of the Crown.

- (b) in any other case, by the contractor or, if the contractor agrees in writing, by the Local Health Board.”