
STATUTORY INSTRUMENTS

2004 No. 291

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

PART 7

TRANSITIONAL PROVISIONS

Commencement

28. The contract shall provide for services to be provided under it from any date after 31st March 2004.

Additional services

29.—(1) Where the contract is with one of the persons specified in paragraph (2), the contract must, subject to regulation 17, provide for the contractor to provide in core hours to the contractor's registered patients and persons accepted by it as temporary residents, such of the additional services as are equivalent to services which that medical practitioner or practitioners was or were providing to his or their patients on the date that the contract is entered into except to the extent that—

- (a) the provision of any of those services by that medical practitioner or practitioners is due to come to an end on or before the date on which services are required to start being provided under the contract; or
- (b) prior to the signing of the contract, the Primary Care Trust has accepted in writing a written request from the contractor that the contract should not require it to provide all or any of those additional services.

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

- (a) an individual medical practitioner who, on 31st March 2004, was providing services under section 29 of the Act (general medical services);
- (b) two or more individuals practising in partnership at least one of whom was, on 31st March 2004, a medical practitioner providing services under that section; or
- (c) a company in which one or more of the shareholders was, on 31st March 2004, a medical practitioner providing services under that section.

(3) This regulation applies only to contracts under which services which are to be provided from 1st April 2004.

Out of hours services

30.—(1) Subject to paragraph 10 of Schedule 6, a contract under which services are to be provided before 1st January 2005 (whether or not such services will be provided after that date) must provide for the services specified in paragraph (2) to be provided throughout the out of hours period unless—

- (a) the Primary Care Trust has accepted in writing, prior to the signing of the contract, a written request from the contractor that the contract should not require the contractor to make such provision;
 - (b) the contract is, at the date on which it is signed, with—
 - (i) a medical practitioner who is, or was on 31st March 2004, relieved of responsibility for providing services to his patients under paragraph 18(2) of Schedule 2 to the National Health Service (General Medical Services) Regulations 1992⁽¹⁾,
 - (ii) a partnership in which all of the partners who are general medical practitioners are a or were on 31st March 2004, relieved of responsibility for providing services to their patients under that paragraph, or
 - (iii) a company in which all of the general medical practitioners who own shares in that company are, or were on 31st March 2004, relieved of responsibility for providing services to their patients under that paragraph;
 - (c) the contractor has opted out in accordance with paragraph 4 or 5 of Schedule 3; or
 - (d) the contract has been otherwise varied to exclude a requirement to make such provision.
- (2) The services referred to in paragraph (1) are—
- (a) the services which must be provided in core hours under regulation 15; and
 - (b) such additional services as are included in the contract pursuant to regulation 29.

31.—(1) Where the contract is with—

- (a) an individual medical practitioner who is, or was on 31st March 2004, responsible for providing services during all or part of the out of hours period to the patients of a medical practitioner who meets the requirements in paragraph (2);
- (b) two or more individuals practising in partnership at least one of whom is, or was on 31st March 2004, a medical practitioner responsible for providing such services; or
- (c) a company in which one or more of the shareholders is, or was on 31st March 2004, a medical practitioner responsible for providing such services,

the contract with that contractor must require the contractor to continue to provide such services to the patients of the exempt contractor until the happening of one of the events in paragraph (3).

(2) The requirements referred to in paragraph (1)(a) are that—

- (a) the medical practitioner was relieved of responsibility for providing services to his patients under paragraph 18(2) of Schedule 2 to the National Health Service (General Medical Services) Regulations 1992; and
- (b) he—
 - (i) has entered or intends to enter into a contract which does not include out of hours services pursuant to regulation 30(1)(b)(i),
 - (ii) is one of two or more individuals practising in partnership who have entered or intends to enter into a contract which does not include out of hours services pursuant to regulation 30(1)(b)(ii), or
 - (iii) is the owner of shares in a company which has entered or intends to enter into a contract which does not include out of hours services pursuant to regulation 30(1)(b)(iii).

(3) The events referred to in paragraph (1) are—

(1) S.I. 1992/635. Paragraph 18 was amended by S.I. 1996/702 and 2002/2469.

- (a) the contractor has opted out of the provision of out of hours services in accordance with paragraph 4 or 5 of Schedule 3; or
 - (b) the Primary Care Trust (and, if it is different, the Primary Care Trust with whom the exempt contractor holds its contract) has or have agreed in writing that the contractor need no longer provide some or all of those services to some or all of those patients.
- (4) In this regulation “exempt contractor” means a contractor who is exempt from providing out of hours services pursuant to regulation 30(1)(b).
- 32.** A contract which includes the provision of out of hours services pursuant to regulation 30 or 31 must contain terms which have the same effect as those set out in Schedule 7.