

---

STATUTORY INSTRUMENTS

---

**2004 No. 627**

The National Health Service (Personal Medical Services Agreements) Regulations 2004

PART 3

PRE-AGREEMENT DISPUTE RESOLUTION

**Pre-agreement disputes**

**8.**—(1) Except where both parties to the prospective agreement are health service bodies (in which case section 4(4) of the 1990 Act applies), if, in the course of negotiations intending to lead to an agreement, the prospective parties to that agreement are unable to agree on a particular term of the agreement, either party may refer the dispute to the Secretary of State to consider and determine the matter.

(2) Disputes referred to the Secretary of State in accordance with paragraph (1) or section 4(4) of the 1990 Act shall be considered and determined in accordance with the provisions of paragraphs 95(3) to (14) and 96(1) of Schedule 5, and paragraph (3) (where it applies) of this regulation.

(3) In the case of a dispute referred to the Secretary of State under paragraph (1), the determination—

- (a) may specify terms to be included in the proposed agreement;
- (b) may require the relevant body to proceed with the proposed agreement, but may not require the proposed contractor to proceed with the proposed agreement; and
- (c) shall be binding upon the prospective parties to the agreement.