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STATUTORY INSTRUMENTS

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**2013 No. 500**

The National Health Service (Procurement, Patient Choice and Competition) (No. 2) Regulations 2013

PART 2

Requirements as to procurement, patient choice and competition

**Patient choice: primary medical services**

**11.**—(1) The Board must not restrict the ability of an individual—

- (a) to apply for inclusion in the list of patients of the practice of the individual's choice,
- (b) to express a preference to receive services, from the practice in whose list of patients the individual is included, from a particular performer or class of performer either generally or in relation to any particular condition.

(2) Paragraph (1) does not apply to the inclusion in a contractor's contract of any term which provides for the contractor to refuse an application for inclusion in its list of patients, or not to agree to any preference expressed to receive services from a particular performer or class of performer, in accordance with—

- (a) Part 2 of Schedule 6 to the National Health Service (General Medical Services Contracts) Regulations 2004<sup>(1)</sup> (other contractual terms: patients),
- (b) Part 2 of Schedule 5 to the National Health Service (Personal Medical Services Agreements) Regulations 2004<sup>(2)</sup> (other contractual terms: patients), or
- (c) arrangements for the provision of primary medical services made under section 83(2) of the 2006 Act (primary medical services).

(3) In this regulation—

“contract” means, as the case may be—

- (a) an arrangement for the provision of primary medical services made under section 83(2) of the 2006 Act, including any arrangements which are made in reliance on a combination of that provision and any other powers to arrange for the provision of health care services for the purposes of the NHS;
- (b) a general medical services contract made under section 84(1) of the 2006 Act (general medical services contracts); or
- (c) an agreement made in accordance with section 92 of the 2006 Act (arrangements by the Board for the provision of primary medical services);

“contractor” means a person who has entered into a contract with the Board;

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(1) [S.I. 2004/291](#). Relevant amendments were made by [S.I. 2007/3491](#) and [2012/970](#).

(2) [S.I. 2004/627](#). Relevant amendments were made by [S.I. 2007/3491](#) and [2012/970](#).

“performer” means a medical practitioner included in a list prepared in accordance with regulations made under section 91(1) of the 2006 Act (persons performing primary medical services)<sup>(3)</sup>; and

“practice” means the business operated by a contractor for the purposes of delivering primary medical services under Part 4 of the 2006 Act under a contract for the provision of such services.

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(3) See [S.I. 2004/585](#), as amended by [S.I. 2010/412](#).