

2022 No. 687

NATIONAL HEALTH SERVICE, ENGLAND

**The National Health Service (General Medical Services
Contracts and Personal Medical Services Agreements)
(Amendment) (No. 2) Regulations 2022**

Made - - - - at 4.35 p.m. on 20th June 2022

Laid before Parliament at 5.45 p.m. on 20th June 2022

Coming into force 11th July 2022

The Secretary of State makes these Regulations in exercise of the powers in sections 89(1), 94(1) and 272(7) and (8) of the National Health Service Act 2006(a).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the National Health Service (General Medical Services Contracts and Personal Medical Services Agreements) (Amendment) (No. 2) Regulations 2022.

(2) These Regulations come into force on 11th July 2022.

(3) These Regulations extend to England and Wales.

Amendment of the National Health Service (General Medical Services Contracts) Regulations 2015

2.—(1) The National Health Service (General Medical Services Contracts) Regulations 2015 (b) are amended as follows.

(2) In regulation 22A—

(a) in paragraph (1), at the end insert “if it is made at a relevant time”;

(b) after paragraph (2) insert—

“(2A) A valid exemption confirmation request is made at a relevant time if, at the time the request is made to the contractor—

(a) legislation in force in England requires a person or class of person to be vaccinated against coronavirus unless they can show that, for clinical reasons, they are exempt from vaccination with an authorised vaccine, or

(a) 2006 c. 41. Section 94 was amended by section 28 of, and paragraph 38 of Schedule 4 to, the Health and Social Care Act 2012 (c. 7) and by paragraph 52 of Schedule 9 to the Crime and Courts Act 2013 (c. 22). There are amendments to sections 89 and 272 but none is relevant to these Regulations. “Prescribed” and “regulations” are defined in section 275 of the National Health Service Act 2006 (the Act). The powers exercised in making these Regulations are exercisable by the Secretary of State, in relation to England only, by virtue of 271(1) of the Act.

(b) S.I. 2015/1862. Relevant amending instruments are: S.I. 2016/875, S.I. 2021/995 and S.I. 2022/634.

- (b) guidance issued by, or on behalf of, the Secretary of State provides that a person or class of person should be vaccinated against coronavirus unless they can show that, for clinical reasons, they are exempt from vaccination with an authorised vaccine.”
;
 - (c) in paragraph (5) after “request” insert “made at a relevant time”.
- (3) In regulation 25—
- (a) at the end of paragraph (k), omit “and”
 - (b) at the end insert—
“(m)for responding to an exemption confirmation request as defined in regulation 22A(2)(a), if that request is not one which the contractor is required to respond to in accordance with regulation 22A.”.
- (4) In regulation 67, omit paragraph (5).

Amendment of the National Health Service (Personal Medical Services Agreements) Regulations 2015

3.—(1) The National Health Service (Personal Medical Services Agreements) Regulations 2015(a) are amended as follows.

- (2) In regulation 15A—
- (a) in paragraph (1), at the end insert “if it is made at a relevant time”;
 - (b) after paragraph (2) insert—
“(2A) A valid exemption confirmation request is made at a relevant time if, at the time the request is made to the contractor—
 - (a) legislation in force in England requires a person or class of person to be vaccinated against coronavirus unless they can show that, for clinical reasons, they are exempt from vaccination with an authorised vaccine, or
 - (b) guidance issued by, or on behalf of, the Secretary of State provides that a person or class of person should be vaccinated against coronavirus unless they can show that, for clinical reasons, they are exempt from vaccination with an authorised vaccine.”
; - (c) in paragraph (5) after “request” insert “made at a relevant time”.
- (3) In regulation 19—
- (a) at the end of paragraph (k), omit “or”;
 - (b) at the end insert—
“(m)for responding to an exemption confirmation request as defined in regulation 15A(2)(a), if that request is not one which the contractor is required to respond to in accordance with regulation 15A.”.
- (4) In regulation 60, omit paragraph (6).

Signed by the authority of the Secretary of State for Health and Social Care

At 4.35 p.m. on 20th June 2022

Maria Caulfield
Parliamentary Under-Secretary of State,
Department of Health and Social Care

(a) S.I. 2015/1879. Relevant amending instruments are: S.I. 2016/875, S.I. 2021/995 and S.I. 2022/634.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (General Medical Services Contracts) Regulations 2015 (S.I. 2015/1862) (“the **GMS Regulations**”) and the National Health Service (Personal Medical Services Agreements) Regulations 2015 (S.I. 2015/1879) (“the **PMS Regulations**”), which respectively make provision in respect of services provided under a general medical services contract (“**GMS contract**”) and a personal medical services agreement (“**PMS agreement**”) pursuant to Part 4 of the National Health Service Act 2006 (c. 41). They apply in relation to England only.

The amendments change certain terms which are required to be included in **GMS contracts** and **PMS Agreements**.

Regulation 2(2) amends the requirement in **GMS contracts** to respond to a request for confirmation of exemption from vaccination for coronavirus by limiting it to circumstances where legislation requires individuals to be vaccinated unless exempt or where guidance issued by, or on behalf of, the Secretary of State advises such vaccination. Regulation 3(2) makes a corresponding change in respect of **PMS Agreements**.

Regulation 2(4) removes the requirement in **GMS contracts** for the contractor to submit to NHS England the complete records of any patients, on the contractor’s list, who have died. Regulation 3(4) makes corresponding provision in relation to **PMS Agreements**.

A full Impact Assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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