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STATUTORY INSTRUMENTS

2024 No. 575

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Primary Medical Services and Performers Lists) (Amendment) Regulations 2024

Made - - - - *26th April 2024*
Laid before Parliament *29th April 2024*
Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 89(1) and (2), 90(1), 91, 94(1), (3) and (7), 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 (Primary Medical Services and Performers Lists) (Amendment) Regulations 2024.

(2) These Regulations come into force—

- (a) subject to sub-paragraphs (b) and (c), on 27th May 2024;
- (b) paragraph 7 of Schedule 1 and paragraph 7 of Schedule 2 come into force on 1st October 2024;
- (c) paragraph 10 of Schedule 1 and paragraph 10 of Schedule 2 come into force on 31st October 2024.

(3) These Regulations extend to England and Wales.

Amendment of the National Health Service (Performers Lists) (England) Regulations 2013

2.—(1) In the National Health Service (Performers Lists) (England) Regulations 2013(b), for regulation 24(1) (medical performers list) substitute—

(a) 2006 c. 41 (“the 2006 Act”). Section 91 was amended by paragraph 35 of Schedule 4 to the Health and Social Care Act 2012 (c. 7) (“the 2012 Act”), and paragraph 1 of Schedule 1 to the Health and Care Act 2022 (c. 31) (“the 2022 Act”). Section 94 was amended by paragraph 38 of Schedule 4 to the 2012 Act, paragraph 52 of Schedule 9 to the Crime and Courts Act 2013 (c. 22), and paragraph 11 of Schedule 3 to 2022 Act. There are amendments to the 2006 Act which are not relevant to these Regulations. See section 275(1) of the 2006 Act for the definition of “prescribed” and “regulations”. By virtue of section 271(1) of the 2006 Act, the powers being exercised by the Secretary of State in the making of these Regulations are exercisable only in relation to England.

(b) S.I. 2013/335; relevant amending instruments are S.I. 2020/411, 2021/30 and 2023/828.

“(1) Subject to paragraphs (1A) to (3), a medical practitioner may not perform any primary medical services unless the medical practitioner is a general medical practitioner included in the medical performers list.

(1A) A medical practitioner may perform primary medical services when the medical practitioner is not included in the medical performers list if they have a prescribed connection under regulation 10 of the Medical Profession (Responsible Officers) Regulations 2010(a) (connection between designated bodies and medical practitioners) with a designated body referred to in Part 1 of the Schedule to those Regulations(b).

(1B) A medical practitioner who is not included in the medical performers list may administer a vaccine against severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) or perform any primary medical service ancillary to the administration of such a vaccine.”.

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

3. The National Health Service (General Medical Services Contracts) Regulations 2015(c) are amended in accordance with Schedule 1.

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

4. The National Health Service (Personal Medical Services Agreements) Regulations 2015(d) are amended in accordance with Schedule 2.

Consequential revocations

5. The following are revoked—

- (a) the National Health Service (Performers Lists) (England) (Coronavirus) (Amendment) Regulations 2020(e); and
- (b) the National Health Service (Performers Lists, Coronavirus) (England) Amendment Regulations 2021(f).

26th April 2024

Andrea Leadsom
Parliamentary Under Secretary of State
Department of Health and Social Care

(a) S.I. 2010/2841; relevant amending instruments are S.I. 2013/391, 2019/248, 2021/974, 2023/368 and S.I. 2023/1071.

(b) Relevant amending instruments are S.I. 2013/391, 2018/378, 2019/248 2022/634, 2023/368 and 2023/1071.

(c) S.I. 2015/1862; relevant amending instruments are S.I. 2017/908, 2020/226, 2020/911, 2021/331, 2021/995, 2022/687, 2022/935, 2023/98, 2023/449 and 2023/1071.

(d) S.I. 2015/1879; relevant amending instruments are S.I. 2017/908, 2020/226, 2020/911, 2021/331, 2021/995, 2022/687, 2022/935, 2023/98, 2023/449 and 2023/1071.

(e) S.I. 2020/411.

(f) S.I. 2021/30.

SCHEDULES

SCHEDULE 1

Regulation 3

Amendments to the National Health Service (General Medical Services Contracts) Regulations 2015

Digital practice area map

1.—(1) In regulation 3(1) (interpretation), in the appropriate place insert—

““digital practice area map” means a map of the practice area produced on digital tools provided by NHS England;”.

(2) In regulation 77 (annual return and review)—

(a) at the end of paragraph (1) insert “and make available to NHS England a digital practice area map”;

(b) in paragraph (3), after “the completed return” insert “and make available the digital practice area map”.

(3) In Schedule 3 (other contractual terms), in sub-paragraph 48(i) (information to be included in practice leaflets) for the words “a sketch diagram” until the end of that sub-paragraph substitute “an image of the practice area, a written description of the practice area or a digital practice area map”.

Performers List requirements

2.—(1) For regulation 40 (qualifications of performers: medical practitioners) (but not the heading) substitute—

“**40.** A medical practitioner may only perform a clinical service under the contract where that medical practitioner is not—

(a) prohibited from performing any such service by regulation 24 of the National Health Service (Performers Lists) (England) Regulations 2013(a);

(b) suspended from the medical performers list or from the Medical Register; and

(c) subject to interim suspension under section 41A of the Medical Act 1983(b).”.

(2) In regulation 44 (conditions for employment and engagement: medical practitioners)—

(a) for paragraph (1), substitute—

“(1) Subject to paragraph (2), a contractor may not employ or engage a medical practitioner unless the contractor has checked that the practitioner meets the requirements of—

(a) regulation 40; and

(b) regulation 43.”;

(b) omit paragraph (3).

(a) S.I. 2013/335.

(b) 1983 c. 54; relevant amending instruments are S.I. 2000/1803, 2002/3135, 2006/1914 and 2015/794.

Vaccines and immunisations standards

3. In regulation 66B (vaccines and immunisations: appointments)—
- (a) for the heading substitute “Vaccines and immunisations: standards”;
 - (b) after paragraph (1) insert—

“(1A) A contractor must comply with the standards contained in the Vaccines and Immunisations Standards on the processing of data relating to patients.”;
 - (c) in paragraph (2)—
 - (i) in the appropriate place insert—

““processing” has the meaning given by section 3(4) of the Data Protection Act 2018(a);”;
 - (ii) for the definition of “relevant vaccine or immunisation” substitute “has the same meaning as in regulation 66A(1)(a) of these Regulations;”;
 - (iii) in the definition of “the Vaccines and Immunisations Standards”—
 - (aa) after “determined by NHS England” insert “published on 15th April 2024(b)“;
 - (bb) after sub-paragraph (f) insert—

“(g) the processing of records relating to patient vaccinations and immunisations, including records relating to the administration of vaccines and patient vaccination status.”.

Guidelines for GP electronic patient records

4. In regulation 67(3)(c) (patient records), for the words “The Good Practice Guidelines” until the end of that sub-paragraph substitute ““Digital Primary Care: Good Practice Guidelines for GP electronic patient records – (GPGv5)”(c), published on 20th September 2023”.

Workforce data

5. In regulation 74E (NHS England Workforce Collection)—
- (a) for paragraph (2) substitute—

“(2) The data referred to in paragraph (1) must be—

 - (a) appropriately coded, reviewed and updated by the contractor in line with agreed standards set out in guidance published by NHS England;
 - (b) submitted to NHS England—
 - (i) using the data entry module on the National Workforce Reporting Service(d), which is a facility provided by NHS England to the contractor for this purpose; and

(a) 2018 c. 12. There are amendments to section 3, but none are relevant.

(b) Available online at: <https://www.england.nhs.uk/long-read/general-practice-vaccination-and-immunisation-services-standards-and-core-contractual-requirements/>. Hard copies are available from NHS England, Wellington House, 133-155 Wellington Road, London SE1 8UG.

(c) These guidelines are available online at: <https://www.england.nhs.uk/digital-gp-good-practice-guidance/>. Hard copies are available from NHS England, Wellington House, 133-155 Wellington Road, London SE1 8UG.

(d) Available online at: <https://digital.nhs.uk/data-and-information/areas-of-interest/workforce/national-workforce-reporting-service-nwrs>. Hard copies are available from NHS England, Wellington House, 133-155 Wellington Road, London SE1 8UG.

(ii) at such intervals during the financial year as are notified to the contractor by NHS England.”;

(b) omit paragraph (3).

Determination of disputes

6. In regulation 84(2)(b) (determination of the dispute), for “section 9(5)” substitute “section 90(5)(a)”.

Telephone contract data

7. In Schedule 3 (other contractual terms)—

(a) in paragraph 2 (telephone services)—

(i) in sub-paragraph (1) after “telephone services” insert “(“relevant telephone services”);”;

(ii) after sub-paragraph (2) insert—

“(3) The contractor must ensure that any new contract or other arrangement relating to relevant telephone services is procured under the Advanced Telephony Better Purchasing Framework(b).

(4) Where NHS England requires, the contractor must make available to NHS England, within such reasonable time frame as specified by NHS England, such information as specified by NHS England that is available to the contractor in relation to the handling of calls under relevant telephone services.”;

(b) omit paragraph 2A (new telephone contract or arrangement).

Continuity of care

8. In Schedule 3, in paragraph 4 (contact with the practice)—

(a) in sub-paragraph (2)(a) omit “, and the patient’s health would not thereby be jeopardised”;

(b) in sub-paragraph (4)—

(i) in sub-paragraph (a) omit “and” and at the end of that sub-paragraph insert “, including the need to avoid jeopardising the patient’s health”;

(ii) at the end of sub-paragraph (b) insert “; and”;

(iii) after sub-paragraph (b) insert—

“(c) any benefits to the patient of providing for continuity of the health care professional involved in their care and treatment.”.

Duty to have regard to Armed Forces Covenant principles

9. In Schedule 3, after paragraph 15A (duty of co-operation: Primary Care Networks) insert—

(a) Section 90(5) was amended by paragraph 52 of Schedule 9 to the Crime and Courts Act 2013 (c. 22).

(b) <https://digital.nhs.uk/services/digital-services-for-integrated-care/advanced-telephony-better-purchasing-framework/buyers-guide>. Hard copies are available from NHS England, Wellington House, 133-155 Wellington Road, London SE1 8UG.

“Duty to have regard to Armed Forces Covenant principles

15B. When providing services under the contract, the contractor must have due regard to the principles contained in section 343AA(1)(a) to (c) of the Armed Forces Act 2006^(a) in relation to its patients and prospective patients.”.

Applications for patient registration

10. In Schedule 3, for paragraph 18(3) (application for inclusion in a list of patients) substitute—

“(3) Subject to sub-paragraph (4), the contractor may only accept an application for inclusion in that list if it is—

- (a) an application on a form specified to the contractor by NHS England; or
- (b) an application through the online registration service supplied to the contractor by NHS England.

(3A) The contractor must make available both application methods referred to in sub-paragraph (3).”.

SCHEDULE 2

Regulation 4

Amendments to the National Health Service (Personal Medical Services Agreements) Regulations 2015

Digital practice area map

1.—(1) In regulation 3 (interpretation), in the appropriate place insert—

““digital practice area map” means a map of the practice area produced on digital tools provided by NHS England.”.

(2) In regulation 70 (annual return and review)—

- (a) at the end of paragraph (1), insert “and make available to NHS England a digital practice area map”;
- (b) in paragraph (3), after “the completed return” insert “and make available the digital practice area map”.

(3) In Schedule 2 (other required terms), in sub-paragraph 44(g) (information to be included in a practice leaflet) for the words “a sketch diagram” until the end of that sub-paragraph substitute “an image of the practice area, a written description of the practice area or a digital practice area map”.

Performers List requirements

2.—(1) For regulation 33 (qualifications of performers: medical practitioners) (but not the heading) substitute—

“33. A medical practitioner may only perform clinical services under the agreement where that medical practitioner is not—

- (a) prohibited from performing any such service by regulation 24 of the National Health Service (Performers Lists) (England) Regulations 2013^(b);

(a) 2006 c. 52. Section 343AA was inserted by sections 8(1) and (3) of the Armed Forces Act 2021 (c. 35).

(b) S.I. 2013/335.

- (b) suspended from the medical performers list or from the Medical Register; and
 - (c) subject to interim suspension under section 41A of the Medical Act 1983(a).”.
- (2) In regulation 37 (conditions for employment and engagement: medical practitioners)—
- (a) for paragraph (1), substitute—
 - “(1) Subject to paragraph (2), a contractor may not employ or engage a medical practitioner unless the contractor has checked that the practitioner meets the requirements of—
 - (a) regulation 33; and
 - (b) regulation 36.”;
 - (b) omit paragraph (3).

Vaccines and immunisations standards

3. In regulation 59C (vaccines and immunisations: appointments)—
- (a) for the heading substitute “Vaccines and immunisations: standards”;
 - (b) after paragraph (1) insert—
 - “(1A) A contractor must comply with the standards contained in the Vaccines and Immunisations Standards on the processing of data relating to patients.”;
 - (c) in paragraph (2)—
 - (i) in the appropriate place insert—
 - ““processing” has the meaning given by section 3(4) of the Data Protection Act 2018(b);”
 - (ii) for the definition of “relevant vaccine or immunisation” substitute “has the same meaning as in regulation 59B(1)(a) of these Regulations;”;
 - (iii) in the definition of “the Vaccines and Immunisations Standards”—
 - (aa) after “determined by NHS England” insert “published on 15 April 2024(c)“;
 - (bb) after sub-paragraph (f) insert—
 - “(g) the processing of records relating to patient vaccinations and immunisations, including records relating to the administration of vaccines and patient vaccination status.”.

Guidelines for GP electronic patient records

4. In regulation 60(4)(c) (patient records), for the words “The Good Practice Guidelines” until the end of that sub-paragraph substitute ““Digital Primary Care: Good Practice Guidelines for GP electronic patient records – (GPGv5)”(d), published on 20th September 2023”.

Workforce data

5. In regulation 67E (NHS England Workforce Collection)—

(a) 1983 c. 54; relevant amending instruments are S.I. 2000/1803, 2002/3135, 2006/1914 and 2015/794.

(b) 2018 c. 12. There are amendments to section 3, but none are relevant.

(c) Available online at: <https://www.england.nhs.uk/long-read/general-practice-vaccination-and-immunisation-services-standards-and-core-contractual-requirements/>. Hard copies are available from NHS England, Wellington House, 133-155 Wellington Road, London SE1 8UG.

(d) These guidelines are available online at: <https://www.england.nhs.uk/digital-gp-good-practice-guidance/>. Hard copies are available from NHS England, Wellington House, 133-155 Wellington Road, London SE1 8UG.

- (a) for paragraph (2) substitute—
 - “(2) The data referred to in paragraph (1) must be—
 - (a) appropriately coded, reviewed and updated by the contractor in line with agreed standards set out in guidance published by NHS England;
 - (b) submitted to NHS England—
 - (i) using the data entry module on the National Workforce Reporting Service^(a), which is a facility provided by NHS England to the contractor for this purpose; and
 - (ii) at such intervals during the financial year as are notified to the contractor by NHS England.”;
 - (b) omit paragraph (3).

Determination of disputes

- 6. In regulation 77(3)(b) (determination of dispute), for “section 9(5)” substitute “section 90(5)(b)”.

Telephone contract data

- 7. In Schedule 2 (other required terms)—
 - (a) in paragraph 3 (telephone services)—
 - (i) in sub-paragraph (1) after “telephone services” insert “(“relevant telephone services”);
 - (ii) after sub-paragraph (2) insert—
 - “(3) The contractor must ensure that any new contract or other arrangement relating to relevant telephone services is procured under the Advanced Telephony Better Purchasing Framework^(c).
 - (4) Where NHS England requires, the contractor must make available to NHS England, within such reasonable time frame as specified by NHS England, such information as specified by NHS England that is available to the contractor in relation to the handling of calls under relevant telephone services.”;
 - (b) omit paragraph 3A (new telephone contract or arrangement).

Continuity of care

- 8. In Schedule 2, in paragraph 5 (contact with the practice)—
 - (a) in sub-paragraph (2)(a), omit “, and the patient’s health would not thereby be jeopardised”;
 - (b) in sub-paragraph (4)—
 - (i) at the end of sub-paragraph (a) omit “and” and insert “, including the need to avoid jeopardising the patient’s health”;

(a) Available online at: <https://digital.nhs.uk/data-and-information/areas-of-interest/workforce/national-workforce-reporting-service-nwrs>. Hard copies are available from NHS England, Wellington House, 133-155 Wellington Road, London SE1 8UG.

(b) Section 90(5) was amended by paragraph 52 of Schedule 9 to the Crime and Courts Act 2013 (c. 22).

(c) <https://digital.nhs.uk/services/digital-services-for-integrated-care/advanced-telephony-better-purchasing-framework/buyers-guide>. Hard copies are available from NHS England, Wellington House, 133-155 Wellington Road, London SE1 8UG.

- (ii) at the end of sub-paragraph (b) insert “; and”;
- (iii) after sub-paragraph (b) insert—

“(c) any benefits to the patient of providing for continuity of the health care professional involved in their care and treatment.”.

Duty to have regard to Armed Forces Covenant principles

9. In Schedule 2, after paragraph 10A (duty of co-operation: Primary Care Networks) insert—

“Duty to have regard to Armed Forces Covenant principles

10B. When providing services under the agreement, the contractor must have due regard to the principles contained in section 343AA(1)(a) to (c) of the Armed Forces Act 2006^(a) in relation to its patients and prospective patients.”.

Applications for patient registration

10. In Schedule 2, for paragraph 17(3) (application for inclusion in a list of patients) substitute—

“(3) Subject to sub-paragraph (4), the contractor may only accept an application for inclusion in that list if it is—

- (a) an application on a form specified to the contractor by NHS England; or
- (b) an application through the online registration service supplied to the contractor by NHS England.

(3A) The contractor must make available both application methods referred to in sub-paragraph (3).”.

(a) 2006 c. 52. Section 343AA was inserted by sections 8(1) and (3) of the Armed Forces Act 2021 (c. 35).

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 amends regulation 24 of the National Health Service (Performers Lists) (England) Regulations 2013 (S.I. 2013/335), which provided exemptions to the requirement that a medical practitioner must be a general medical practitioner included in the medical performers list in order to perform primary medical services. It amends the exemption for medical practitioners who are not general medical practitioners, requiring that they have a prescribed connection with a designated body listed in Part 1 of the Schedule to the Medical Profession (Responsible Officers) Regulations 2010 (S.I. 2010/2841). As a consequence of these consolidated amendments, regulation 5 revokes the National Health Service (Performers Lists) (England) (Coronavirus) (Amendment) Regulations 2020 (S.I. 2020/411) and the National Health Service (Performers Lists, Coronavirus) (England) Amendment Regulations 2021 (S.I. 2021/30).

Regulation 3 and Schedule 1 to these Regulations amend the National Health Service (General Medical Services Contracts) Regulations 2015 (S.I. 2015/1862) (“the GMS Contracts Regulations”) and Regulation 4 and Schedule 2 to these Regulations amend the National Health Service (Personal Medical Services Agreements) Regulations 2015 (S.I. 2015/1879) (“the PMS Agreements Regulations”).

The GMS Contracts Regulations and the PMS Agreements Regulations respectively make provision in respect of services provided under a general medical services contract and a personal medical services agreement made pursuant to Part 4 of the National Health Service Act 2006 (c. 41). They apply to England only.

The GMS Contracts Regulations and the PMS Agreements Regulations are amended respectively so as to:

- (a) require contractors to produce a digital map reflecting their practice area on digital tools provided by NHS England (see paragraph 1 of Schedule 1 and paragraph 1 of Schedule 2);
- (b) update the requirements in relation to those performing clinical services under the contract to align with the registration requirements in the National Health Service (Performers Lists) (England) Regulations 2013 (see paragraph 2 of Schedule 1 and paragraph 2 of Schedule 2);
- (c) require contractors to adhere to the Vaccines and Immunisation Standards in relation to processing data relating to relevant vaccines and immunisations (see paragraph 3 of Schedule 1 and paragraph 3 of Schedule 2);
- (d) update the undertaking requirements in relation to guidelines for GP electronic patient records that contractors keeping computerised records are to have regard to (see paragraph 4 of Schedule 1 and paragraph 4 of Schedule 2);
- (e) require contractors to update and review data required by NHS England for the purposes of the NHS Digital Workforce Collection (see paragraph 5 of Schedule 1 and paragraph 5 of Schedule 2);
- (f) clarify Section 90(5) of the National Health Service Act 2006 applies in relation to disputes in relation to a non-NHS contract referred for determination (see paragraph 6 of Schedule 1 and paragraph 6 of Schedule 2);

- (g) require contractors to make available data from their telephone service contract or arrangements on request by NHS England (see paragraph 7 of Schedule 1 and paragraph 7 of Schedule 2);
- (h) require an appropriate response by a contractor to take into account the needs of the patient, including the need to avoid jeopardising the patient's health, and any benefits to the patient of providing for continuity of the health care professional delivering their care (see paragraph 8 of Schedule 1 and paragraph 8 of Schedule 2);
- (i) require contractors to have due regard to the Armed Forces Covenant Principles, contained in section 343AA(1)(a)-(c) of the Armed Forces Act 2006 c. 52, in relation to their patients and prospective patients (see paragraph 9 of Schedule 1 and paragraph 9 of Schedule 2);
- (j) update the types of applications that applicants applying for inclusion in a contractor's list of patients must be made by either a form specified by NHS England or the online registration service supplied by NHS England and require contractors to make available both of these application methods (see paragraph 10 of Schedule 1 and paragraph 10 of Schedule 2).

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.

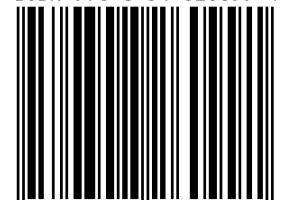
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