
STATUTORY INSTRUMENTS

2004 No. 2694

**The National Health Service (Primary Medical Services)
(Miscellaneous Amendments) Regulations 2004**

PART 3

AMENDMENT OF THE PMS AGREEMENTS REGULATIONS

Amendment of regulation 2 of the PMS Agreements Regulations

6.—(1) Regulation 2 (interpretation) of the PMS Agreements Regulations shall be amended as provided in the following paragraphs.

(2) For the definition of “GP Registrar”, substitute—

““GP Registrar” means a medical practitioner who is being trained in general practice by—

(a) until the coming into force for all purposes of article 4(5)(d) of the 2003 Order, a general medical practitioner who—

(i) has been approved for that purpose by the Joint Committee on Postgraduate Training for General Practice under regulation 7 of the National Health Service (Vocational Training for General Medical Practice) Regulations 1997(1), and

(ii) performs primary medical services; and

(b) from the coming into force for all purposes of that article, a general medical practitioner who is approved under that article for the purpose of providing training under article 5(1)(c)(i) of the 2003 Order, whether as part of training leading to the award of a CCT or otherwise;”.

(3) Omit the definition of “GP Trainer”.

(4) In the definition of “out of hours services”, after “if provided” insert “by a contractor to its registered patients”.

Amendment of regulation 3 of the PMS Agreements Regulations

7. In regulation 3 (conditions: introductory) of the PMS Agreements Regulations, for “regulations 4 and” substitute “regulation”.

Revocation of regulation 4 of the PMS Agreements Regulations

8. Regulation 4 of the PMS Agreements Regulations is revoked.

Amendment of regulation 5 of the PMS Agreements Regulations

9. In regulation 5 (general condition relating to all agreements) of the PMS Agreements Regulations, in paragraph (3)—

- (a) in sub-paragraph (f), after “criminal offence” insert “other than murder”;
- (b) in sub-paragraph (g)(i), after “murder,” insert “or”;
- (c) in sub-paragraph (i)(ii), after “Insolvency Act 1986” insert “unless that order has ceased to have effect or has been annulled”;
- (d) omit sub-paragraph (i)(iv); and
- (e) after sub-paragraph (i) insert—
 - “(ia) an administrator, administrative receiver or receiver is appointed in respect of it;”.

Amendment of regulation 6 of the PMS Agreements Regulations

10. In regulation 6 (reasons) of the PMS Agreements Regulations, in paragraph (1), omit “4 or”.

Amendment of regulation 7 of the PMS Agreements Regulations

11. In regulation 7 (appeal) of the PMS Agreements Regulations, omit “4 or”.

Amendment of regulation 9 of the PMS Agreements Regulations

12. In regulation 9 (health service body status) of the PMS Agreements Regulations, in paragraph (5), for “(7)” substitute “(8)”.

Amendment of regulation 15 of the PMS Agreements Regulations

13. In regulation 15 (fees and charges) of the PMS Agreements Regulations, in paragraph (2)(b), after “drug” insert “, medicine”.

Amendment of paragraph 2 of Schedule 4 to the PMS Agreements Regulations

14. In paragraph 2 of Schedule 4 to the PMS Agreements Regulations (opt outs of out of hours services where the opt out notice is served before 1st October 2004), in sub-paragraph (17), before “1st October 2004” insert “before”.

Amendment of Schedule 5 to the PMS Agreements Regulations

- 15.—(1) Schedule 5 (other contractual terms) to the PMS Agreements Regulations shall be amended as provided in the following paragraphs.

(2) In paragraph 5 (clinical reports), in sub-paragraph (4), after “standards” insert “or requirements”.

(3) In paragraph 9 (standards for out of hours services)—

- (a) in sub-paragraph (1), for “, meet the quality standards” to “20th June 2002” substitute—
 - (a) “until 31st December 2004, meet the quality standards set out in the document entitled “Quality Standards in the Delivery of GP Out of Hours Services” published on 20th June 2002(2); and

(2) This document is published by the Department of Health on its website at www.dh.gov.uk/PublicationsAndStatistics/Publications/PublicationsPolicyAndGuidance or a copy may be obtained by writing to Primary Care, Room 4N34E, Department of Health, Quarry House, Quarry Hill, Leeds LS2 7UE.

- (b) from 1st January 2005, meet the quality requirements set out in the document entitled “National Quality Requirements in the Delivery of Out of Hours Services” published on 14th October 2004(3).”; and
- (4) in sub-paragraph (2)—
 - (a) for “quality standards” substitute “quality requirements”; and
 - (b) for ““Quality Standards in the Delivery of GP Out of Hours Services” published on 20th June 2002” substitute ““National Quality Requirements in the Delivery of Out of Hours Services” published on 22nd September 2004”.
- (5) In paragraph 30 (rejection of closure notice) after sub-paragraph (8) insert—
 - “(8A) Subject to sub-paragraph (8B), the contractor’s list of patients shall remain closed for the period specified by the assessment panel in accordance with sub-paragraph (8)(b).
 - (8B) The contractor’s list of patients shall re-open before the expiry of the period mentioned in sub-paragraph (8A) if—
 - (a) the number of the contractor’s registered patients falls to the number specified by the assessment panel in accordance with sub-paragraph (8)(b) as the number of registered patients which, if that number were reached, would trigger the re-opening of the contractor’s list of patients; or
 - (b) the Primary Care Trust and the contractor agree that the list of patients should re-open.
 - (8C) If the contractor’s list of patients has re-opened pursuant to sub-paragraph (8B)(a), it shall nevertheless close again if, during the period specified by the assessment panel as the period for which the list should remain closed, the number of the contractor’s registered patients rises to the number specified by the assessment panel in accordance with sub-paragraph (8)(b) as the number of registered patients which, if that number were reached, would trigger the re-closure of the contractor’s list of patients.
 - (8D) Except in cases where the contractor’s list of patients is already open pursuant to paragraph (8B), the Primary Care Trust shall notify the contractor in writing between seven and fourteen days before the expiry of the closure period specified in paragraph (8A), confirming the date on which the contractor’s list of patients will re-open.”.
- (6) In paragraph 38 (prescribing), in sub-paragraph (1), for “39 and 40” substitute “41 and 42”.
- (7) In paragraph 47 (consent to dispense), in sub-paragraph (6)(a), for “paragraph (2)” substitute “paragraph (1)(c)”.
- (8) In paragraph 50 (terms relating to the provision of dispensing services), in sub-paragraph (8)—
 - (a) in paragraph (a), for “(3)(a)” substitute “(2)(a) of paragraph 50 of Schedule 5 to the PMS Regulations”;
 - (b) in paragraph (b), for “(5)” substitute “(4) of that paragraph”.
- (9) In paragraph 53 (qualifications of performers), in sub-paragraph (2)—
 - (a) for paragraph (c) substitute—
 - “(c) a GP Registrar who has applied to a Primary Care Trust to have his name included in its medical performers list until the first of the following events arises—
 - (i) the Primary Care Trust notifies him of its decision on that application; or

(3) The document “National Quality Requirements in the Delivery of Out of Hours Services” published on 14th October 2004 is published electronically at www.out-of-hours.info or a copy may be obtained by writing to Primary Care, Room 4N34E, Department of Health, Quarry House, Quarry Hill, Leeds LS2 7UE.

- (ii) the end of a period of two months, starting with the date on which his vocational training scheme began.”; and
- (b) at end, add—
 - “(3) In this paragraph, “vocational training scheme” has the meaning given in regulation 21(2) of the National Health Service (Performers Lists) Regulations 2004.”.
- (10) In paragraph 63 (arrangements for GP Registrars), in sub-paragraph (1), omit “for the purpose of being trained by a GP Trainer”.
- (11) In paragraph 73 (provision of information), at end insert—
 - “(3) The contractor shall produce the information requested, or, as the case may be, allow access to it—
 - (a) by such date as has been agreed as reasonable between the contractor and the relevant body; or
 - (b) in the absence of such agreement, within 28 days of the request being made.”.
- (12) In paragraph 77 (annual return and review)—
 - (a) after sub-paragraph (1), insert—
 - “(1A) One such return may be requested by the relevant body at any time during each financial year in relation to such period (not including any period covered by a previous annual return) as may be specified in the request.
 - (1B) The contractor shall submit the completed return to the relevant body—
 - (a) by such date as has been agreed as reasonable between the contractor and the relevant body; or
 - (b) in the absence of such agreement, within 28 days of the request being made.”; and
 - (b) at end insert—
 - “(5) In this paragraph, “financial year” means the twelve months ending with 31st March.”.
- (13) In paragraph 80 (notice provisions specific to an agreement with a qualifying body), in sub-paragraph (2)(b), for “regulations 4 and” substitute “regulation”.
- (14) In paragraph 86 (complaints procedure), in sub-paragraph (2)(a)(i), after “paragraphs 87 to 90” insert “and 92”.
- (15) In paragraph 92 (provision of information about complaints)—
 - (a) renumber the existing provision as sub-paragraph (1); and
 - (b) after that provision, insert—
 - “(2) This paragraph does not apply in relation to out of hours services provided by a contractor on or after 1st January 2005.”.
- (16) In paragraph 95 (NHS dispute resolution procedure), in sub-paragraph (6), after “the matter” insert “under dispute”.
- (17) In paragraph 98 (variation of an agreement: general), in sub-paragraph (1), for “70(3)” substitute “69(3)”.
- (18) Omit paragraph 103 (termination by the relevant body for breach of conditions in regulation 4).
- (19) In paragraph 104 (termination by the relevant body for the provision of untrue etc information), for “regulations 4 and” substitute “regulation”.

(20) In paragraph 113 (insurance), in sub-paragraph (3)(b) for “an employee of its in connection with clinical services which that employee” substitute “a person employed or engaged by it in connection with clinical services which that person”.