
STATUTORY INSTRUMENTS

2004 No. 865

**The General Medical Services and Personal Medical Services
Transitional and Consequential Provisions Order 2004**

PART 2

**TRANSITIONAL PROVISIONS RELATING
TO GENERAL MEDICAL SERVICES**

Patient records

19.—(1) Where, on 31st March 2004, a relevant medical practitioner had the written consent of the Primary Care Trust to the keeping of computerised records under paragraph 36 of Schedule 2 to the 1992 Regulations⁽¹⁾ and that consent had not been withdrawn, that consent shall be regarded as written consent to the succeeding contractor for the purposes of—

- (a) the term of its general medical services contract which gives effect to paragraph 73 of Schedule 6 to the 2004 Regulations; or
- (b) the equivalent term of the default contract.

(2) Where—

- (a) on or before 31st March 2004, a Primary Care Trust had requested a relevant medical practitioner to send it the records relating to a patient under paragraph 36(6) of Schedule 2 to the 1992 Regulations; and
- (b) on 31st March 2004 that request had not yet been complied with,

the records requested shall be sent by the succeeding contractor to the Primary Care Trust as soon as possible.

(3) Where, on or before 31st March 2004, a relevant medical practitioner had been informed of the death of a patient on its list by the Primary Care Trust or had otherwise learned of the death of such a patient but on 31st March 2004 had not yet sent that patient's records to the Primary Care Trust in accordance with paragraph 36(6)(b) of Schedule 2 to the 1992 Regulations, those records shall be sent to the Primary Care Trust by the succeeding contractor—

- (a) in a case in which the relevant medical practitioner was informed of the death by the Primary Care Trust, within 14 days of the date on which he was so informed; or
- (b) in any other case, within one month of the date on which the relevant medical practitioner learned of the death.

(1) Paragraph 36 was substituted by S.I.2000/2383 and amended by S.I. 2002/2469.