



National Health Service Act 2006

2006 CHAPTER 41

PART 4

MEDICAL SERVICES

General medical services contracts

84 General medical services contracts: introductory

- (1) [^{F1}The Board] may enter into a contract under which primary medical services are provided in accordance with the following provisions of this Part.
- (2) A contract under this section is called in this Act a “general medical services contract”.
- (3) A general medical services contract may make such provision as may be agreed between [^{F2}the Board] and the contractor or contractors in relation to—
 - (a) the services to be provided under the contract,
 - (b) remuneration under the contract, and
 - (c) any other matters.
- (4) The services to be provided under a general medical services contract may include—
 - (a) services which are not primary medical services,
 - [^{F3}(b) services to be performed outside England.]
- (5) In this Part, “contractor”, in relation to a general medical services contract, means any person entering into the contract with [^{F4}the Board].

Textual Amendments

- F1** Words in s. 84(1) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 4 para. 31\(2\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F2** Words in s. 84(3) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 4 para. 31\(3\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)

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Changes to legislation: National Health Service Act 2006, Cross Heading: General medical services contracts is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F3** S. 84(4)(b) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 31(4)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F4** Words in s. 84(5) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 31(3)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

85 Requirement to provide certain primary medical services

- (1) A general medical services contract must require the contractor or contractors to provide, for his or their patients, primary medical services of such descriptions as may be prescribed.
- (2) Regulations under subsection (1) may in particular describe services by reference to the manner or circumstances in which they are provided.

86 Persons eligible to enter into GMS contracts

- (1) ^{F5}The Board] may, subject to such conditions as may be prescribed, enter into a general medical services contract with—
 - (a) a medical practitioner,
 - (b) two or more individuals practising in partnership where the conditions in subsection (2) are satisfied, or
 - (c) a company limited by shares where the conditions in subsection (3) are satisfied.
- (2) The conditions referred to in subsection (1)(b) are that—
 - (a) at least one partner is a medical practitioner, and
 - (b) any partner who is not a medical practitioner is either—
 - (i) an NHS employee,
 - (ii) a section 92 employee, section 107 employee, section 50 employee, section 64 employee, section 17C employee or Article 15B employee,
 - (iii) a health care professional who is engaged in the provision of services under this Act or the National Health Service (Wales) Act 2006 (c. 42), or
 - (iv) an individual falling within section 93(1)(d).
- (3) The conditions referred to in subsection (1)(c) are that—
 - (a) at least one share in the company is ^{F6}both] legally and beneficially owned by a medical practitioner, and
 - (b) any share which is not so owned is ^{F6}both] legally and beneficially owned by a person referred to in subsection (2)(b).
- (4) Regulations may make provision as to the effect, in relation to a general medical services contract entered into by individuals practising in partnership, of a change in the membership of the partnership.
- (5) In this section—

“health care professional”, “NHS employee”, “section 92 employee”, “section 107 employee”, “section 50 employee”, “section 64 employee”, “section 17C employee” and “Article 15B employee” have the meaning given by section 93.

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Textual Amendments

- F5** Words in s. 86(1) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 4 para. 32](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F6** Word in s. 86(3)(a)(b) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), ss. 202\(1\), 306\(4\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)

87 **GMS contracts: payments**

- (1) The Secretary of State may give directions as to payments to be made under general medical services contracts.
- (2) A general medical services contract must require payments to be made under the contract in accordance with directions under this section.
- (3) Directions under subsection (1) may in particular—
 - (a) provide for payments to be made by reference to compliance with standards or the achievement of levels of performance,
 - (b) provide for payments to be made by reference to—
 - (i) any scheme or scale specified in the direction, or
 - (ii) a determination made by any person in accordance with factors specified in the direction,
 - (c) provide for the making of payments in respect of individual practitioners,
 - (d) provide that the whole or any part of a payment is subject to conditions (and may provide that payments are payable by [^{F7}the Board] only if it is satisfied as to certain conditions),
 - (e) make provision having effect from a date before the date of the direction, provided that, having regard to the direction as a whole, the provision is not detrimental to the persons to whose remuneration it relates.
- (4) Before giving a direction under subsection (1), the Secretary of State—
 - (a) must consult any body appearing to him to be representative of persons to whose remuneration the direction would relate, and
 - (b) may consult such other persons as he considers appropriate.
- (5) “Payments” includes fees, allowances, reimbursements, loans and repayments.

Textual Amendments

- F7** Words in s. 87(3)(d) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 4 para. 33](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)

88 **GMS contracts: prescription of drugs, etc**

- (1) A general medical services contract must contain provision requiring the contractor or contractors to comply with any directions given by the Secretary of State for the purposes of this section as to the drugs, medicines or other substances which may or may not be ordered for patients in the provision of medical services under the contract.
- (2) A direction under this section must, subject to subsection (3), be given by regulations.

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- (3) A direction under this section may be given by an instrument in writing where it gives effect to a request made in writing to the Secretary of State by a person who is a holder of a Community marketing authorization or United Kingdom marketing authorisation in respect of the drug, medicine or other substance to which the request relates.
- (4) “Community marketing authorization” and “United Kingdom marketing authorisation” have the meaning given by regulation 1 of the Medicines for Human Use (Marketing Authorisations Etc.) Regulations 1994 (S.I. 1994/3144).

89 GMS contracts: other required terms

- (1) A general medical services contract must contain such provision as may be prescribed (in addition to the provision required by the preceding provisions of this Part).

[^{F8}(1A) Regulations under subsection (1) may, in particular, make provision—

- (a) for requiring a contractor who provides services of a prescribed description (a “relevant contractor”) to be a member of a clinical commissioning group;
- (b) as to arrangements for securing that a relevant contractor appoints one individual to act on its behalf in the dealings between it and the clinical commissioning group to which it belongs;
- (c) for imposing requirements with respect to those dealings on the individual appointed for the purposes of paragraph (b);
- (d) for requiring a relevant contractor, in doing anything pursuant to the contract, to act with a view to enabling the clinical commissioning group to which it belongs to discharge its functions (including its obligation to act in accordance with its constitution).

(1B) Provision by virtue of subsection (1A)(a) may, in particular, describe services by reference to the manner or circumstances in which they are performed.

(1C) In the case of a contract entered into by two or more individuals practising in partnership—

- (a) regulations making provision under subsection (1A)(a) may make provision for requiring each partner to secure that the partnership is a member of the clinical commissioning group;
- (b) regulations making provision under subsection (1A)(b) may make provision as to arrangements for securing that the partners make the appointment;
- (c) regulations making provision under subsection (1A)(d) may make provision for requiring each partner to act as mentioned there.

(1D) Regulations making provision under subsection (1A) for the case of a contract entered into by two or more individuals practising in partnership may make provision as to the effect of a change in the membership of the partnership.

(1E) The regulations may require an individual appointed for the purposes of subsection (1A)(b)—

- (a) to be a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002, and
- (b) to meet such other conditions as may be prescribed.]

(2) Regulations under subsection (1) may in particular make provision as to—

- (a) the manner in which, and standards to which, services must be provided,

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- (b) the persons who perform services,
 - (c) the persons to whom services will be provided,
 - (d) the variation of contract terms (other than terms required by or under this Part),
 - (e) rights of entry and inspection (including inspection of clinical records and other documents),
 - (f) the circumstances in which, and the manner in which, the contract may be terminated,
 - (g) enforcement,
 - (h) the adjudication of disputes.
- (3) Regulations making provision under subsection (2)(c) [^{F9}must make] provision as to the circumstances in which a contractor or contractors—
- (a) must or may accept a person as a patient to whom services are provided under the contract,
 - (b) may decline to accept a person as such a patient, or
 - (c) may terminate his or their responsibility for a patient.
- (4) Regulations under subsection (2)(d) may—
- (a) make provision as to the circumstances in which [^{F10}the Board] may impose a variation of contract terms,
 - (b) make provision as to the suspension or termination of any duty under the contract to provide services of a prescribed description.
- (5) Regulations making provision of the kind described in subsection (4)(b) may prescribe services by reference to the manner or circumstances in which they are provided.
- (6) Regulations under subsection (1) must make provision as to the right of patients to choose the persons from whom they receive services.

Textual Amendments

- F8** S. 89(1A)-(1E) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 28(1)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F9** Words in s. 89(3) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 202(2)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F10** Words in s. 89(4)(a) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 4 para. 34(1)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

Modifications etc. (not altering text)

- C1** S. 89(2)(d) modified (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 4 para. 34(2)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

90 GMS contracts: disputes and enforcement

- (1) Regulations may make provision for the resolution of disputes as to the terms of a proposed general medical services contract.
- (2) Regulations under subsection (1) may make provision—
- (a) for the referral of the terms of the proposed contract to the Secretary of State, and

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- (b) for the Secretary of State, or a person appointed by him, to determine the terms on which the contract may be entered into.
- (3) Regulations may make provision for a person or persons entering into a general medical services contract to be regarded as a health service body for any purposes of section 9, in circumstances where he or they so elect.
- (4) Regulations under subsection (3) may include provision as to the application of section 9 in cases where—
 - (a) persons practising in partnership elect to become a health service body, and
 - (b) there is a change in the membership of the partnership.
- (5) Where—
 - (a) by virtue of regulations under subsection (3), section 9(11) applies in relation to a general medical services contract, and
 - (b) a direction as to payments is made under that subsection in relation to the contract,the direction is enforceable in a county court (if the court so orders) as if it were a judgment or order of that court.

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