

SCHEDULE 1

CONTENT OF AGREEMENTS

PART 5

DATA PROTECTION, RECORDS, INFORMATION, NOTIFICATIONS AND RIGHTS OF ENTRY

Notice provisions specific to agreements with one or more companies limited by shares

47.—(1) This paragraph applies to agreements entered into prior to 22nd December 2010.

(2) Where a company limited by shares is a party to the agreement, the provider must give notice to the Health Board forthwith when—

- (a) any share in the company is transmitted or transferred (whether legally or beneficially) to another person on a date after the agreement has come into force;
- (b) a new director or secretary is appointed;
- (c) the company passes a resolution or a court of competent jurisdiction makes an order that one or more of those companies be wound up;
- (d) circumstances arise which might entitle a creditor or a court to appoint a receiver, administrator or administrative receiver for the company;
- (e) circumstances arise which would enable the court to make a winding up order in respect of the company; or
- (f) the company is unable to pay its debts within the meaning of section 123 of the Insolvency Act 1986⁽¹⁾.

(3) A notice under sub-paragraph (2)(a) must confirm that the new shareholder, or, as the case may be, the personal representative of a deceased shareholder—

- (a) where the company is a qualifying body, within the meaning of section 17D(2)(2) of the Act, is a person falling within section 17D(1)(a) to (d) of the Act as in force at 21st December 2010 (persons with whom agreements may be made); and
- (b) satisfies the condition imposed on shareholders by virtue of regulation 4 (general conditions relating to providers).

(4) A notice under sub-paragraph (1)(b) must confirm that the new director or, as the case may be, secretary meets the conditions imposed on directors and secretaries by virtue of regulation 4.

(1) 1986 c.45.

(2) Section 17D was inserted by section 21 of the National Health Service (Primary Care) Act 1997 (c.46), and relevantly amended by section 2(3) of the 2004 Act, paragraph 6 of schedule 2(2) of the Tobacco and Primary Care Act 2010 (asp 3) and S.S.I. 2006/30.

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2018, Paragraph 47.