



National Health Service Act 2006

2006 CHAPTER 41

PART 4

MEDICAL SERVICES

Other arrangements for the provision of primary medical services

94 Regulations about section 92 arrangements

- (1) The Secretary of State may make regulations about the provision of services in accordance with section 92 arrangements.
- (2) The regulations must include provision for participants other than [^{F1}NHS England] to withdraw from section 92 arrangements if they wish to do so.
- (3) The regulations may, in particular—
 - (a) provide that section 92 arrangements may be made only in prescribed circumstances,
 - (b) provide that section 92 arrangements may be made only in prescribed areas,
 - (c) provide that only prescribed services, or prescribed categories of service, may be provided in accordance with section 92 arrangements,
 - [^{F2}(ca) make provision with respect to the performance outside England of services to be provided in accordance with section 92 arrangements,]
 - (d) impose conditions (including conditions as to qualifications and experience) to be satisfied by persons performing services in accordance with section 92 arrangements,
 - (e) require details of section 92 arrangements to be published,
 - (f) make provision with respect to the variation and termination of section 92 arrangements,
 - (g) provide for parties to section 92 arrangements to be treated, in such circumstances and to such extent as may be prescribed, as health service bodies for the purposes of section 9,

Status: Point in time view as at 01/07/2022.

Changes to legislation: National Health Service Act 2006, Section 94 is up to date with all changes known to be in force on or before 10 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)

- (h) provide for directions, as to payments, made under section 9(11) (as it has effect as a result of regulations made by virtue of paragraph (g)) to be enforceable in [^{F3}the county court] (if the court so orders) as if they were judgments or orders of that court.

^{F4}(3A)

^{F4}(3B)

^{F4}(3C)

^{F4}(3D)

^{F4}(3E)

- (4) The regulations may also require payments to be made under the arrangements in accordance with directions given for the purpose by the Secretary of State.
- (5) A direction may 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.
- (6) The regulations may also include provision requiring [^{F1}NHS England], in prescribed circumstances and subject to prescribed conditions, to enter into a general medical services contract on prescribed terms with any person who is providing services under section 92 arrangements and who so requests.
- (7) The regulations may also include provision for the resolution of disputes as to the terms of any proposed section 92 arrangements, and in particular may make provision—
- (a) for the referral of the terms of the proposed arrangements to the Secretary of State, and
 - (b) for the Secretary of State or a person appointed by him to determine the terms on which the arrangements may be entered into.
- (8) The regulations must provide for the circumstances in which a person providing primary medical services under section 92 arrangements—
- (a) must or may accept a person as a patient to whom such services are so provided,
 - (b) may decline to accept a person as such a patient,
 - (c) may terminate his responsibility for a patient.
- (9) The regulations must make provision as to the right of patients to choose the persons from whom they receive services under section 92 arrangements.

Textual Amendments

- F1** Words in Act substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 1 para. 1\(1\)\(2\)](#); [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))
- F2** [S. 94\(3\)\(ca\)](#) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 38\(3\)](#); [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))
- F3** Words in [s. 94\(3\)\(h\)](#) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954](#), [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), [arts. 3-11](#))
- F4** [S. 94\(3A\)-\(3E\)](#) omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 3 para. 11\(4\)](#); [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

Status: Point in time view as at 01/07/2022.

Changes to legislation: National Health Service Act 2006, Section 94 is up to date with all changes known to be in force on or before 10 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)

Modifications etc. (not altering text)

- C1** S. 94(3)(f) modified (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 38\(5\)](#); [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)

Status:

Point in time view as at 01/07/2022.

Changes to legislation:

National Health Service Act 2006, Section 94 is up to date with all changes known to be in force on or before 10 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.