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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations set out, for England, the framework for personal medical services agreements under section 28C of the National Health Service Act 1977 (“the Act”).

Part 2 of the Regulations prescribes the conditions which, in accordance with section 28D of the Act, must be met by a contractor before the relevant body may enter into a personal medical services agreement with it.

Part 3 of the Regulations prescribes the procedure for pre-agreement dispute resolution, in accordance with section 28E(3D) of the Act. Part 3 applies to cases where the contractor is not a health service body. In cases where the contractor is such a body, the procedure for dealing with pre-agreement disputes is set out in section 4 of the National Health Service and Community Care Act 1990 (“the 1990 Act”).

Part 4 of the Regulations provides for a contractor to be a health service body for the purposes of section 4 of the 1990 Act unless it objects by serving a notice on the relevant body before the agreement is made.

Part 5 of (and Schedules 2 to 5, and 7 to 10 to) the Regulations prescribe the terms which, in accordance with section 28E of the Act, must be included in a personal medical services agreement.

The prescribed terms include terms relating to—

- (a) the type of agreement (regulation 10);
- (b) the manner in which services are to be provided (Part 1 of Schedule 5) and the procedures for opting out of out of hours services (regulation 16 and Schedule 4);
- (c) the issuing of medical certificates (regulation 12 and Schedule 2);
- (d) finance, fees and charges (regulations 13 to 15 and Schedule 3);
- (e) patient registration and removal, list closures and assignments (Schedule 5, Part 2 and Schedules 7 and 8);
- (f) prescribing and dispensing (Schedule 5, Part 3 and Schedule 9);
- (g) the conditions to be met by those who perform services or are employed or engaged by the contractor (Schedule 5, Part 4);
- (h) patient records, the provision of information and rights of entry (Schedule 5, Part 5 and Schedule 10);
- (i) complaints (Schedule 5, Part 6);
- (j) procedures for dispute resolution (Schedule 5, Part 7); and
- (k) procedures for variation and termination of agreements and consequences of termination of the agreement (regulation 17 and Schedule 5, Part 8).

Part 6 of the Regulations provides for a contractor to terminate its agreement and enter into a general medical services contract.

Part 7 of the Regulations and Schedule 6 makes transitional provision.