
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**

Refusal of approval of premises under paragraphs 29 and 29A of Schedule 2 to the 1992 Regulations

21.—(1) Where, on or before 31st March 2004, a Primary Care Trust had notified a relevant medical practitioner under paragraph 29(12) of Schedule 2 to the 1992 Regulations⁽¹⁾ of its refusal of an application made under—

- (a) paragraphs 29(1) or (17) of that Schedule in relation to any place at which he was to be available; or
- (b) paragraphs 29A(1) or (6) of that Schedule⁽²⁾ in relation to the treatment of patients other than at his practice premises,

paragraphs (2) and (3) shall apply.

(2) Where, on 31st March 2004, the time for appealing against the refusal specified in paragraph 29(13) of Schedule 2 to the 1992 Regulations had not expired and no appeal had yet been made, the time for appealing shall continue as if paragraph 29 and, if applicable, paragraph 29A of that Schedule had not been revoked.

(3) Where—

- (a) on 31st March 2004, the relevant medical practitioner had appealed in writing against that refusal under paragraph 29(13) of Schedule 2 to the 1992 Regulations but the appeal had not been determined or withdrawn; or
- (b) after 31st March 2004, an appeal is made pursuant to paragraph (2),

that appeal shall be dealt with, or continue to be dealt with, as if paragraph 29 and, if applicable, paragraph 29A of that Schedule had not been revoked.

(4) Where an appeal dealt with under paragraph (3) is successful, the Primary Care Trust shall agree to a variation of the contract which it holds with the succeeding contractor which has the effect of adding to the list of practice premises under that contract the premises approved as a result of the appeal.

(5) A variation agreed by the Primary Care Trust pursuant to paragraph (4) shall have effect—

- (a) from a date no later than 28 days after the date on which the outcome of the appeal was notified to the relevant medical practitioner; and

(1) Paragraph 29 was amended by S.I.2001/3742 and 2002/554 and 2469.

(2) Paragraph 29A was inserted by S.I. 1995/80 and amended by S.I. 2001/3742 and 2002/554 and 2469.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) only if it is in writing and signed by or on behalf of the Primary Care Trust and the succeeding contractor.