

SCHEDULE 1

Regulation 3

Consequential Amendments to the GOS Regulations

Amendment of regulation 2

1. In regulation 2(1) (interpretation)—
 - (a) after the definition of “adjudicator”, insert ““the Board” means the National Health Service Commissioning Board;”;
 - (b) in the definition of “day centre”, omit the words “in the locality of the PCT”;
 - (c) in the definition of “mobile services”, for “a PCT to provide such services in its area” substitute “the Board to provide such services”;
 - (d) omit the definition of “PCT”;
 - (e) omit the definition of “relevant Strategic Health Authority”;
 - (f) in the definition of “residential centre”, omit the words “in the locality of the PCT”.
2. In regulation 2(2)(c), for “the PCT” substitute “the Board”.

Amendment of regulation 3

3. In regulation 3 (conditions: introductory)—
 - (a) for “a PCT” and “that PCT” substitute “the Board”; and
 - (b) after “regulations made under section 43 of the Health Act 2006 (general ophthalmic services: transitional),” insert “and subject to the provisions of any scheme made by the Secretary of State under section 300 (transfer schemes) of the Health and Social Care Act 2012”.

Amendment of regulation 4

4. In regulation 4 (persons eligible to enter into GOS contracts)—
 - (a) in paragraph 3(f), (k) and (l), and paragraphs (4) and (6), for “the PCT”, substitute “the Board”; and
 - (b) insert after paragraph (6)—

“(7) For the purposes of paragraph (3)(c) a health service body respectively includes a Strategic Health Authority or a Primary Care Trust which was established before the coming into force of section 33 or 34 of the Health and Social Care Act 2012.”.

Amendment of regulation 5

5. In regulation 5 (reasons)—
 - (a) in paragraph (1), for “a PCT” substitute “the Board”; and
 - (b) in paragraph (2) for “The PCT” substitute “The Board”.

Amendment of regulation 6

6. In regulation 6 (appeals and contract disqualifications)—
 - (a) in paragraph (1) for “the PCT” substitute “the Board”; and
 - (b) in paragraph (2) for “A PCT, which has given notice” substitute “The Board, where it has given notice”.

Amendment of regulation 7

7. In regulation 7(5)(b) (pre-contract disputes), for “the PCT” substitute “the Board”.

Amendment of regulation 8

8. In regulation 8 (health service body status), in paragraphs (1), (4)(a), (5) and (7)(b), for “the PCT”, substitute “the Board”.

Amendment of regulation 12

9. In regulation 12(2) (duration), for “the PCT” substitute “the Board”.

Amendment of regulation 15

10. In regulation 15 (finance)—

- (a) in paragraphs (1), (2) and (4), for “the PCT”, in each place, substitute “the Board”; and
- (b) in paragraph (3), for “pursuant to directions under section 8 (Secretary of State’s directions: exercise of functions) or 120, a PCT is required to make a payment” substitute “pursuant to directions under sections 120 (GOS contracts: Payments) or 125A (exercise of functions) the Board is required to make a payment”.

Amendment of regulation 16

11. In regulation 16 (fees, charges and financial interests of the contractor), in paragraphs (5), (6)(b) and (9), for “the PCT”, in each place, substitute “the Board”.

Amendment of Schedule 1

12.—(1) In paragraph 8 (conditions for employment: ophthalmic practitioners performing ophthalmic services), in sub-paragraph (1)(a), omit the words “and the name and address of the Primary Care Trust on whose ophthalmic performers list his name appears”.

(2) In paragraph 13 (patient information), in sub-paragraphs (a) and (c), for “the PCT”, substitute “the Board”.

(3) In the heading to paragraph 14 and in paragraph 14(1) and (2)(a) (provision of and access to information: PCT) for “PCT”, in each place, substitute “Board” and in paragraph 14(2)(b) for “the PCT’s functions” substitute “the Board’s functions”.

(4) The heading to paragraph 16 and paragraph 16 (notification to the PCT) are amended as follows—

- (a) in the heading and in sub-paragraph (2), for “the PCT”, in each place, substitute “the Board”;
- (b) in sub-paragraph (1)—
 - (i) for “the PCT”, substitute “the Board”; and
 - (ii) in paragraph (1)(b) for “the PCT’s right” substitute “the Board’s right”; and
- (c) in sub-paragraph (3)—
 - (i) for “the PCT” substitute “the Board”; and
 - (ii) omit the words “and the name and address of the Primary Care Trust in whose ophthalmic performers list he is included”.

(5) In paragraph 17 (notice provisions specific to a contract with a corporate body), in sub-paragraphs (1) and (3), for “the PCT”, in each place, substitute “the Board”.

(6) In paragraph 18 (notice provisions specific to a contract with two or more individuals practising in partnership), in sub-paragraphs (1) and (3), for “the PCT”, in each place, substitute “the Board”.

(7) In the heading to paragraph 19 and in paragraph 19(1) (entry and inspection by the PCT), for “the PCT” substitute “the Board”.

(8) For paragraph 20 (entering and viewing under the Local Involvement Network (Duty of Services-Providers to Allow Entry) Regulations 2008) and its heading substitute—

“Entry and viewing by Local Healthwatch organisations

20. The contractor must comply with the requirement to allow an authorised representative to enter and view premises and observe the carrying-on of activities on those premises in accordance with regulations made under section 225 (duties of services-providers to allow entry by Local Healthwatch organisations or contractors) of the Local Government and Public Involvement Health Act 2007.”(1).

(9) In paragraph 26 (co-operation with investigations)—

(a) in sub-paragraphs (1)(a)(i), and (3), for “the PCT”, in each place, substitute “the Board”; and

(b) in sub-paragraph (2), in the definition of “NHS body”—

(i) for “a Primary Care Trust”, substitute “the Board”, and

(ii) omit “a Strategic Health Authority”.

(10) In paragraph 27 (provision of information), for “the PCT”, in each place, substitute “the Board” and for “in accordance with this Part” substitute “in accordance with Part 4A”.

(11) In paragraph 28 (local resolution of contract disputes), for “the PCT” substitute “the Board”.

(12) In paragraph 29 (dispute resolution: non-NHS contracts), in sub-paragraph (1)(a) and (b), for “the PCT”, substitute “the Board”.

(13) In paragraph 33 (variation of a contract: general), in sub-paragraphs (1) and (2), for “the PCT”, substitute “the Board”.

(14) In paragraph 34 (variation provisions specific to a contract with an individual), in sub-paragraphs (1), (4), (5) and (6), for “the PCT” in each place, substitute “the Board”.

(15) In paragraph 35 (variation provisions specific to a contract with two or more individuals practising in partnership changing to a contract with an individual), in sub-paragraphs (2), (4)(b), (5), (6) and (7), for “the PCT”, in each place, substitute “the Board”.

(16) In paragraph 36 (variation provisions specific to a contract with two or more individuals practicing in partnership increasing the number of partners), in sub-paragraphs (1), (2) and (3), for “the PCT”, in each place, substitute “the Board”.

(17) In paragraph 37 (termination by agreement), for “The PCT” substitute “The Board”.

(18) In paragraph 38 (termination on the death of an individual contractor), for “the PCT”, in each place, substitute “the Board”.

(19) In paragraph 39 (termination by the contractor), in sub-paragraph (1), for “the PCT” substitute “the Board”.

(20) In paragraph 40 (late payment notices), for “the PCT”, in each place, substitute “the Board”.

(21) In the heading to paragraph 41 and in paragraph 41 (termination by the PCT: general), for “the PCT”, substitute “the Board”.

(1) 2007 c.28. Section 225 is amended by section 186(6) to (10) of, and paragraphs 148 and 151 of Schedule 5 and paragraphs 103 and 106 of Schedule 14 to, the 2012 Act.

Status: This is the original version (as it was originally made).

(22) In the heading to paragraph 42 and in paragraph 42 (termination by the PCT: contractor's inability to perform services), in sub-paragraph (1), for "the PCT", in each place, substitute "the Board".

(23) In the heading to paragraph 43 and in paragraph 43 (termination by the PCT for the provision of untrue etc. information), for "the PCT", in each place, substitute "the Board".

(24) The heading to paragraph 44 and paragraph 44 (termination by the PCT on grounds of suitability etc.) are amended as follows—

- (a) in the heading and in sub-paragraphs (1) and (2)(c) and (m) for "the PCT" in each place, substitute "the Board";
- (b) in sub-paragraph (3), (4) and (5)—
 - (i) for "A PCT", substitute "The Board"; and
 - (ii) for "the PCT", substitute "the Board".

(25) In the heading to paragraph 45 and in paragraph 45 (immediate termination by the PCT), for "the PCT", in each place, substitute "the Board".

(26) The heading to paragraph 46 and paragraph 46 (termination by the PCT: remedial notices and breach notices) are amended as follows—

- (a) in sub-paragraphs (1), (2)(b), (3), and (5) to (8), for "the PCT", in each place, substitute "the Board"; and
- (b) in sub-paragraph (4) for "a PCT" and "the PCT", in each place, substitute "the Board".

(27) In the heading to paragraph 47 and in paragraph 47 (termination by the PCT: additional provisions), in sub-paragraphs (1) to (3) and (4)(b) for "the PCT", in each place, substitute "the Board".

(28) In paragraph 48 (contract sanctions), in sub-paragraphs (2) to (5) for "the PCT", in each place, substitute "the Board".

(29) In paragraph 49 (contract sanctions and the NHS dispute resolution procedure), in sub-paragraphs (1) to (4), for "the PCT", in each place, substitute "the Board".

(30) In paragraph 50 (termination and the NHS dispute resolution procedure), in sub-paragraphs (1) to (3), (4)(a) and (5), for "the PCT", in each place, substitute "the Board".

(31) In paragraph 52 (gifts), in sub-paragraph (6) for "the PCT" substitute "the Board".

(32) In paragraph 53 (compliance with legislation and guidance), in sub-paragraph (b), for "the PCT, the relevant Strategic Health Authority" substitute "the Board".

(33) After paragraph 55 (signing of documents), insert—

"Duty as to education and training

56. The contractor must co-operate with the Secretary of State in the discharge of the duty under section 1F of the Act (duty as to education and training), or co-operate with Health Education England where Health Education England is discharging that duty by virtue of a direction under section 7."

Amendment of Schedule 2

13. In Schedule 2 (additional services)—

- (a) in paragraph 5(1) (facilities and equipment) for "the PCT" substitute "the Board"; and
- (b) in paragraph 6 (notice of provision of additional services), in sub-paragraphs (2)(b), and (3) to (6), for "the PCT", in each place, substitute "the Board".

Amendment of Schedule 3

14. In Schedule 3 (applications for a contract)—

- (a) in paragraph 1, for “the PCT”, in each place, substitute “the Board”;
- (b) in paragraph 4(c), omit the words “and the name and address of that PCT”;
- (c) in paragraph 5—
 - (i) in sub-paragraph (g), for “the PCT” substitute “the Board”;
 - (ii) for sub-paragraph (m) substitute “was the subject of any investigation by a Primary Care Trust which led to its removal from a primary care list or the termination of any contract with that Primary Care Trust;” and
 - (iii) at the end of paragraph 5, omit the words “PCT or equivalent”;
- (d) in paragraph 8 for “the PCT” substitute “the Board”; and
- (e) omit paragraph (9).

Amendment of Schedule 4

15. In Schedule 4 (patient information leaflet) in paragraph 10, for “the relevant PCT” and “that PCT” substitute “the Board”.

SCHEDULE 2

Regulation 22

Consequential Amendments to the POS Regulations

Amendment of regulation 2

1. In regulation 2 (interpretation)—

- (a) after the definition of “additional services” insert ““the Board” means the National Health Service Commissioning Board”;
- (b) in the definition of “contractor” for “a PCT” substitute “the Board”;
- (c) in the definition of “day centre”, omit the words “in the locality of the PCT”;
- (d) omit the definition of “locality”;
- (e) in the definition of “mobile services”, for “a PCT” substitute “the Board”, and omit the words “in its area”;
- (f) omit the definition of “PCT”; and
- (g) in the definition of “residential centre”, omit the words “in the locality of the PCT”.

Amendment of regulation 4

2. In regulation 4 (sight tests – applications)—

- (a) in paragraph (2), for “the PCT with whom it has contracted” substitute “the Board”; and
- (b) in paragraph (3)(c), for “the PCT”, in each place, substitute “the Board”.

Amendment of regulation 5

3. In regulation 5(3) and (4) (sight test treated as a test under general ophthalmic services), for “the PCT”, in each place, substitute “the Board”.

Status: *This is the original version (as it was originally made).*

Amendment of regulation 8

- 4.** In regulation 8 (publication of information), for “The PCT” substitute “The Board”.