

**Changes to legislation:** The National Health Service (General Medical Services Contracts) Regulations 2015 is up to date with all changes known to be in force on or before 01 August 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)

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## EXPLANATORY NOTE

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

These Regulations consolidate provisions previously contained in the National Health Service (General Medical Services Contracts) Regulations 2004 (S.I. 2004/291) (“the 2004 Regulations”), as amended, which are revoked by regulation 98 and Schedule 5. They set out, in relation to England, the framework for general medical services contracts made under section 84 (general medical services contracts: introductory) of the National Health Service Act 2006 (c.41) (“the Act”).

Part 2 (contractors: conditions and eligibility) prescribes the conditions which, in accordance with section 86 of the Act (persons eligible to enter into GMS contracts), must be met by a contractor before the contractor may enter into a general medical services contract.

Part 3 (pre-contract dispute resolution) prescribes the procedure for pre-contract dispute resolution, in accordance with section 90 of the Act (GMS contracts: disputes and enforcement).

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-contract disputes is set out in section 9 of the Act (NHS contracts).

Part 4 (health service body status) sets out the procedures, in accordance with regulations made under section 90(3) of the Act, by which the contractor may obtain health service body status.

Part 5 and Schedule 3 (contracts: required terms) prescribe the terms which, in accordance with section 89 (GMS contracts: other required terms) and section 90 (GMS contracts: disputes and enforcement) of the Act, must be included in a general medical services contract (in addition to those contained in the Act). It includes, in regulation 17, a description of the services which must be provided to patients under general medical services contracts under section 85(1) and (2) (requirement to provide certain primary medical services) of the Act. It also makes provision for the services which may be provided by way of additional services under the contract (regulation 19 and Schedule 1).

The required terms include terms relating to:

- the type and duration of the contract (regulations 13 to 16);
- the services to be provided (regulations 17 to 20 and Part 1 of Schedule 3), the manner in which they are to be provided (Schedule 3) and the procedures for opting out of additional and out of hours services (Part 6);
- membership of a clinical commissioning group (regulation 21);
- the issuing of medical certificates (regulation 22 and Schedule 2);
- finance, fees and charges (regulations 23 to 25);
- the requirement to establish Patient Participation Groups and to publish mean net earnings (regulations 26 and 27);
- the sub-contracting, variation and termination of contracts and consequences of termination of contracts (regulations 28 to 31); and
- other required general terms (regulation 32 and Schedule 3).

Part 6 (opt outs: additional and out of hours services) provides for a contractor to be able to “opt out” of the provision of additional services and out of hours service under a general medical services contract in certain circumstances.

Part 7 (persons who perform services) prescribes the required qualifications, conditions, experience and professional verification required in respect of persons employed or engaged by a general medical services contractor to perform services under the contract.

**Status:** Point in time view as at 01/01/2021.

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Part 8 (prescribing and dispensing) prescribes the terms in accordance with which a person, prescriber or health care worker may prescribe and dispense drugs, medicines or appliances under a general medical services contract.

Part 9 (prescribing and dispensing: out of hours services) prescribes terms additional to those in Part 6 in relation to contractors providing out of hours services.

Part 10 (records and information) prescribes the manner in which a contractor is to provide and store all records and data including that associated with patients.

Part 11 (complaints) requires a contractor to establish and operate a complaints procedure to deal with complaints in relation to any matter reasonably connected with the provision of services under a general medical services contract. The complaints procedure must comply with the requirements of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 (S.I. 2009/309).

Part 12 (dispute resolution) prescribes the procedures which are to apply for the purposes of dispute resolution.

Part 13 (functions of a Local Medical Committee) sets out the functions of Local Medical Committees.

Part 14 of the Regulations (miscellaneous) sets out miscellaneous provisions which must be complied with by a contractor.

Part 15 (general transitional provision and saving, consequential amendments and revocations) makes a general transitional provision and saving and also revokes various enactments included in secondary legislation as a result of the coming into force of these Regulations, including the revocation of the 2004 Regulations. The effect of the 2004 Regulations is saved for limited purposes.

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