

STATUTORY INSTRUMENTS

2015 No. 1862

**The National Health Service (General
Medical Services Contracts) Regulations 2015**

PART 5

Contracts: required terms

[^{F1}Disclosure of information about NHS earnings: contractors and sub-contractors

27A.—(1) A contract which is with a contractor who is an individual medical practitioner or a partnership must contain the term specified in paragraph (2).

(2) The term is—

- (a) if the contract is with a contractor who is an individual medical practitioner, a term which requires the contractor to comply with the disclosure obligation for each relevant financial year in which—
 - (i) they are a contractor, and
 - (ii) their NHS earnings exceed the relevant threshold;
- (b) if the contract is with a contractor who is partnership, a term which requires each partnership member to comply with the disclosure obligation for each relevant financial year in which—
 - (i) the partnership is a contractor, and
 - (ii) the partnership member’s NHS earnings exceed the relevant threshold.

(3) In this regulation—

- (a) the disclosure obligation, in relation to a relevant financial year, is the requirement for an individual (“I”) to submit the following information for publication to [^{F2}NHS England]^{F3} by the disclosure date—
 - (i) I’s name,
 - (ii) I’s job title,
 - (iii) the details of each organisation from which I has derived NHS earnings in that financial year, and
 - (iv) the amount of I’s NHS earnings for that financial year;
- (b) ^{F4}... “relevant financial year” means a financial year ^{F5} ending—
 - (i) on or after 31st March [^{F6}2022], but
 - (ii) on or before 31st March 2024;

^{F7}(ba)

(c) “relevant threshold” means—

^{F8}(i)

Changes to legislation: The National Health Service (General Medical Services Contracts) Regulations 2015, Section 27A is up to date with all changes known to be in force on or before 06 July 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) View outstanding changes

^{F9}(ii)

(iii) for the financial year ending on 31st March 2022, £156,000;

(iv) for the financial year ending on 31st March 2023, £159,000;

(v) for the financial year ending on 31st March 2024, £163,000.

[^{F10}(4) For the purposes of paragraph (3)(a) “the disclosure date”, in relation to a relevant financial year, is 30th April in the financial year which begins immediately after the end of the next financial year.]

(5) For the purposes of paragraph (4) “the next financial year”, in relation to a financial year (“FY1”), is the financial year which begins immediately after the end of FY1 ^{F11}....

(6) A contract must also include a term which prevents the contractor from sub-contracting any of its obligations to provide clinical services under the contract unless—

(a) where the sub-contractor is an individual, the sub-contract entered into by the contractor requires the individual to comply with the disclosure obligation for each relevant financial year in which the individual’s NHS earnings exceed the relevant threshold;

(b) where the sub-contractor is a partnership, the sub-contract entered into by the contractor requires each sub-contractor partnership member to comply with the disclosure obligation for each relevant financial year in which the sub-contractor partnership member’s NHS earnings exceed the relevant financial threshold;

(c) in all cases, the sub-contract prohibits the sub-contractor (“S”) from sub-contracting, where permitted by paragraph 44(9A) of Schedule 3, any of the clinical services S has agreed with the contractor to provide under the sub-contract unless—

(i) where the sub-contractor is an individual (“I”), the sub-contract entered into by S requires I to comply with the disclosure obligation for each financial year in which I’s NHS earnings exceed the relevant threshold;

(ii) where the sub-contractor is a partnership, the sub-contract entered into by S requires each sub-contractor partnership member of that partnership to comply with the disclosure obligation for each relevant financial year in which the sub-contractor partnership member’s NHS earnings exceed the relevant threshold.

(7) A contract must also include a term requiring the contractor to use reasonable endeavours to ensure that any relevant sub-contract is amended to contain the terms specified in paragraph (9).

(8) For the purposes of paragraph (7) “relevant sub-contract” means a sub-contract—

(a) for the provision of any of the clinical services which the contractor is required to provide under the contract by any other person, and

(b) which is in force at the time when [^{F12}the term in paragraph (7) is incorporated into the contract].

(9) The terms are—

(a) a term which requires—

(i) the sub-contractor (“S”), where S is an individual, or

(ii) each sub-contractor partnership member, where S is a partnership,

to comply with the disclosure obligation for each relevant financial year in which the individual’s, or as the case may be, sub-contractor partnership member’s NHS earnings exceed the relevant threshold, ^{F13}...

(b) a term which prevents S from sub-contracting obligations to provide clinical services under the contract, where permitted by paragraph 44(9A) of Schedule 3, unless—

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- (i) where the sub-contractor is an individual (“I”), the sub-contract entered into by S requires I to comply with the disclosure obligation in relation to each financial year in which I’s [^{F14}NHS] earnings exceed the relevant threshold;
 - (ii) where the sub-contractor is a partnership, the sub-contract entered into by S requires each sub-contractor partnership member of that partnership to comply with the disclosure obligation in relation to each relevant financial year in which the sub-contractor partnership member’s NHS earnings exceed the relevant threshold [^{F15}, and
- (c) a term which requires S to use reasonable endeavours to ensure that any sub-contract entered into before the term in sub-paragraph (b) was incorporated into that sub-contract is amended to—
- (i) include the term in paragraph (i) of sub-paragraph (b) in a sub-contract between S and I, and
 - (ii) include the term in paragraph (ii) of sub-paragraph (b) in a sub-contract between S and a partnership.]
- (10) Nothing in paragraph (6), (7) or (9) requires any individual to comply with the disclosure obligation for any relevant financial year which—
- (a) ends before the individual or partnership (as the case may be) enters into a sub-contract with the contractor or a sub-contractor;
 - (b) begins after the individual’s, or, as the case may be, partnership’s, sub-contract with the contractor or sub-contractor has terminated.
- (11) In this regulation—
- “locum practitioner” has the meaning given in Schedule 15 to the National Health Service Pension Scheme Regulations 2015 ^{F16};
- “NHS earnings” has the meaning given in regulation 27B;
- “partnership member”, in relation to a contractor who is a partnership, means an individual who is a partner in that partnership;
- “sub-contractor” means a person to whom any rights or duties under the contract in relation to clinical matters are, or have been, sub-contracted under paragraph 44(1) of Schedule 3, and includes an individual who is a locum practitioner;
- “sub-contractor partnership member”, in relation to a sub-contractor who is a partnership, means an individual who is a partner in that partnership.]

Textual Amendments

- F1** Regs. 27A, 27B inserted (1.10.2021) by [The National Health Service \(General Medical Services Contracts and Personal Medical Services Agreements\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/995\)](#), reg. 1(2), **Sch. 1 para. 1** (with reg. 3)
- F2** Words in reg. 27A(3)(a) substituted (1.2.2023) by [The Health and Social Care Information Centre \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/98\)](#), reg. 1(2), **Sch. para. 52(3)** (with reg. 3)
- F3** The Health and Social Care Information Centre (known as NHS Digital) is a body corporate established under section 252(1) of the Health and Social Care Act 2012. The information must be submitted to NHS Digital through its Strategic Data Collection Service, available at <https://datacollection.sdcs.digital.nhs.uk>.

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- F4** Words in reg. 27A(3)(b) omitted (1.10.2022) by virtue of The National Health Service (General Medical Services Contracts and Personal Medical Services Agreements) (Amendment) (No. 3) Regulations 2022 (S.I. 2022/935), reg. 1(b), **Sch. 1 para. 9(1)(i)**
- F5** “Financial year” is defined in section 275(1) of the National Health Service Act 2006.
- F6** Word in reg. 27A(3)(b)(i) substituted (1.10.2022) by The National Health Service (General Medical Services Contracts and Personal Medical Services Agreements) (Amendment) (No. 3) Regulations 2022 (S.I. 2022/935), reg. 1(b), **Sch. 1 para. 9(1)(ii)**
- F7** Reg. 27A(3)(ba) omitted (1.10.2022) by virtue of The National Health Service (General Medical Services Contracts and Personal Medical Services Agreements) (Amendment) (No. 3) Regulations 2022 (S.I. 2022/935), reg. 1(b), **Sch. 1 para. 9(1)(iii)**
- F8** Reg. 27A(3)(c)(i) omitted (1.10.2022) by virtue of The National Health Service (General Medical Services Contracts and Personal Medical Services Agreements) (Amendment) (No. 3) Regulations 2022 (S.I. 2022/935), reg. 1(b), **Sch. 1 para. 9(1)(iv)**
- F9** Reg. 27A(3)(c)(ii) omitted (27.4.2022) by virtue of The National Health Service (General Medical Services Contracts and Personal Medical Services Agreements) (Amendment) Regulations 2022 (S.I. 2022/404), regs. 1(2), **2(2)(a)(iii)**
- F10** Reg. 27A(4) substituted (1.10.2022) by The National Health Service (General Medical Services Contracts and Personal Medical Services Agreements) (Amendment) (No. 3) Regulations 2022 (S.I. 2022/935), reg. 1(b), **Sch. 1 para. 9(2)**
- F11** Words in reg. 27A(5) omitted (27.4.2022) by virtue of The National Health Service (General Medical Services Contracts and Personal Medical Services Agreements) (Amendment) Regulations 2022 (S.I. 2022/404), regs. 1(2), **2(2)(c)**
- F12** Words in reg. 27A(8)(b) substituted (1.10.2022) by The National Health Service (General Medical Services Contracts and Personal Medical Services Agreements) (Amendment) (No. 3) Regulations 2022 (S.I. 2022/935), reg. 1(b), **Sch. 1 para. 9(3)**
- F13** Word in reg. 27A(9)(a) omitted (1.10.2022) by virtue of The National Health Service (General Medical Services Contracts and Personal Medical Services Agreements) (Amendment) (No. 3) Regulations 2022 (S.I. 2022/935), reg. 1(b), **Sch. 1 para. 9(4)**
- F14** Word in reg. 27A(9)(b)(i) inserted (1.10.2022) by The National Health Service (General Medical Services Contracts and Personal Medical Services Agreements) (Amendment) (No. 3) Regulations 2022 (S.I. 2022/935), reg. 1(b), **Sch. 1 para. 9(5)**
- F15** Reg. 27A(9)(c) and word inserted (1.10.2022) by The National Health Service (General Medical Services Contracts and Personal Medical Services Agreements) (Amendment) (No. 3) Regulations 2022 (S.I. 2022/935), reg. 1(b), **Sch. 1 para. 9(6)**
- F16** S.I. 2015/94.

Changes to legislation:

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 3 para. 2(3)(4) inserted by [S.I. 2024/575 Sch. 1 para. 7\(a\)\(ii\)](#)
- Sch. 3 para. 18(3)(3A) substituted for Sch. 3 para. 18(3) by [S.I. 2024/575 Sch. 1 para. 10](#)