

SCHEDULE 3

Other contractual terms

PART 2

Patients: general

Removal from the list at the request of the patient

23.—(1) The contractor must give notice in writing to the Board of a request made by any person who is a registered patient to be removed from the contractor's list of patients.

(2) Where the Board—

- (a) receives a notice given by the contractor under sub-paragraph (1); or
- (b) receives directly a request from a person to be removed from the contractor's list of patients,

the Board must remove that person from the contractor's list of patients.

(3) The removal of a person from a contractor's list of patients in accordance with sub-paragraph (2) takes effect on whichever is the earlier of—

- (a) the date on which the Board is given notice of the registration of that person with another provider of essential services (or their equivalent); or
- (b) 14 days after the date on which the notice given under sub-paragraph (1) or the request made under sub-paragraph (2) is received by the Board.

(4) The Board must, as soon as practicable, give notice in writing to—

- (a) the person who requested the removal; and
- (b) the contractor,

that the person's name is to be or has been removed from the contractor's list of patients on the date referred to in sub-paragraph (3).

(5) In this paragraph, and in paragraphs 24(1)(b) and (10), 25(6) and (7), 27 and 30, a reference to a request received from or advice, information or notice required to be given to, a person includes a request received from or advice, information or notice required to be given to—

(a) in the case of a child—

- (i) either parent, or in the absence of both parents, the guardian or other adult who has care of the child,
- (ii) a person duly authorised by a local authority to whose care the child has been committed under the Children Act 1989(1), or
- (iii) a person duly authorised by a voluntary organisation by which the child is being accommodated under the Children Act 1989; or

(b) in the case of adult patient who lacks capacity to make the relevant request or receive the relevant advice, information or notice—

- (i) a relative of that person,
- (ii) the primary carer of that person,
- (iii) a donee of a lasting power of attorney granted by that person, or

(1) 1989 c.41.

Status: This is the original version (as it was originally made).

(iv) a deputy appointed for that person by the court under the Mental Capacity Act 2005(2).

(2) 2005 c.9.