

SCHEDULE 3

Other contractual terms

PART 8

Variation and termination of contracts

Termination by the Board for breach of conditions in regulation 5

65.—(1) Subject to paragraph (2), the Board must give notice in writing to the contractor terminating the contract with immediate effect where, in any case, a contractor who is an individual medical practitioner has ceased to be a general medical practitioner.

(2) Where the contractor referred to in sub-paragraph (1) has ceased to satisfy the condition specified in regulation 5(1)(a) by reason of a suspension of the type described in sub-paragraph (7), the Board is not required to give notice to the contractor under sub-paragraph (1) unless—

- (a) the contractor is unable to satisfy the Board that it has in place adequate arrangements for the provision of clinical services under the contract for so long as the suspension continues; or
- (b) the Board is satisfied that the circumstances of the suspension are such that if the contract is not terminated with immediate effect—
 - (i) the safety of the contractor's patients would be at serious risk, or
 - (ii) the Board would be at risk of material financial loss.

(3) Sub-paragraph (4) applies where—

- (a) except in a case to which paragraph 59(4) applies, the contractor consists of two or more persons practising in partnership and the condition specified in regulation 5(1)(b) is no longer satisfied; or
- (b) the contractor is a company limited by shares, and the condition specified in regulation 5(1)(c) is no longer satisfied.

(4) Where this sub-paragraph applies, the Board must—

- (a) give notice in writing to the contractor terminating the contract with immediate effect; or
- (b) give notice in writing to the contractor confirming that the Board is prepared to allow the contract to continue, for a period specified by the Board, in accordance with sub-paragraph (5) (“the interim period”).

(5) The period specified by the Board under sub-paragraph (4)(b) must not exceed—

- (a) six months; or
- (b) where the failure of the contractor to continue to satisfy the condition in regulation 5(1)(b) or 5(1)(c), is by reason of a suspension described in sub-paragraph (7), the period for which that suspension continues.

(6) The Board must, during the interim period and with the consent of the contractor, employ or supply the contractor with one or more general medical practitioners for the interim period to assist the contractor in the provision of clinical services under the contract.

(7) The suspensions described in this sub-paragraph are suspension—

- (a) by a Fitness to Practise Panel under—
 - (i) section 35D of the Medical Act 1983 ^{MI} (functions of a fitness to practise panel) in a health case, other than an indefinite suspension under section 35D(6) of that Act, or

Status: Point in time view as at 01/07/2022.

Changes to legislation: The National Health Service (General Medical Services Contracts) Regulations 2015, Paragraph 65 is up to date with all changes known to be in force on or before 12 September 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)

- (ii) section 38(1) of the Medical Act 1983 ^{M2} (power to order immediate suspension etc. after a finding of impairment of fitness to practise); or
 - (b) by a Fitness to Practise Panel or an Interim Orders Panel under section 41A of the Medical Act 1983 ^{M3} (interim orders).
- (8) Before deciding which of the options in sub-paragraph (4) to pursue, the Board must, if it is reasonably practicable to do so, consult the Local Medical Committee (if any) for the area in which the contractor provides services under the contract.
- (9) If the contractor does not, in accordance with sub-paragraph (6), consent to the Board employing or supplying a general medical practitioner during the interim period, the Board must give notice in writing to the contractor terminating the contract with immediate effect.
- (10) If, at the end of the interim period, sub-paragraph (3)(a) or (b) continues to apply to the contractor, the Board must give notice in writing to the contractor terminating the contract with immediate effect.
- (11) In this paragraph—
- (a) “health case” has the meaning given in section 35E(4) of the Medical Act 1983 ^{M4} (provisions supplementary to section 35D); and
 - (b) “general medical practitioner” has the meaning given in regulation 5(2).

Marginal Citations

- M1** 1983 c.54. Section 35D was substituted by [S.I. 2002/3135](#), and was amended by section 99 of, and Schedule 7 to, the [Health and Social Care Act 2008 \(c.14\)](#) and by [S.I. 2014/1101](#) and [S.I. 2015/794](#).
- M2** Section 38 was substituted by [S.I. 2002/3135](#) and was amended by [S.I. 2015/794](#).
- M3** Section 41A was substituted by [S.I. 2002/3135](#) and was amended by [S.I. 2006/1914](#) and [S.I. 2015/794](#).
- M4** 1983 c.54. Section 35D was substituted by [S.I. 2002/3135](#) and was amended by section 99 of, and Schedule 7 to, the [Health and Social Care Act 2008](#), and by [S.I. 2006/1914](#), [S.I. 2014/1101](#), and [S.I. 2015/794](#).

Status:

Point in time view as at 01/07/2022.

Changes to legislation:

The National Health Service (General Medical Services Contracts) Regulations 2015, Paragraph 65 is up to date with all changes known to be in force on or before 12 September 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.