

SCHEDULE 3

Other contractual terms

PART 8

Variation and termination of contracts

Contract sanctions and the NHS dispute resolution procedure

73.—(1) If there is a dispute between [F1NHS England] and the contractor in relation to a contract sanction that [F1NHS England] is proposing to impose, [F1NHS England] may not, subject to sub-paragraph (5), impose the contract sanction except in the circumstances specified in sub-paragraphs (2) and (3).

(2) The circumstances specified in this sub-paragraph are if the contractor—

- (a) refers the dispute relating to the contract sanction to the NHS dispute resolution procedure before the end of a period of 28 days beginning with the date on which the contractor was given notice in accordance with paragraph 72(4) (or such longer period as may be agreed in writing with [F1NHS England]); and
- (b) gives notice to [F1NHS England] in writing that it has done so.

(3) Where the circumstances specified in sub-paragraph (2) apply, [F1NHS England] may not impose the contract sanction unless—

- (a) there has been a final determination of the dispute in accordance with regulation 83 (or by a court) and that determination permits [F1NHS England] to impose the contract sanction; or
- (b) the contractor ceases to pursue the NHS dispute resolution procedure,

whichever is the sooner.

(4) If the contractor does not invoke the NHS dispute resolution procedure before the end of the period specified in sub-paragraph (2)(a), [F1NHS England] may impose the contract sanction with immediate effect.

(5) If [F1NHS England] is satisfied that it is necessary to impose the contract sanction before the NHS dispute resolution procedure is concluded in order to protect—

- (a) the safety of the contractor's patients; or
- (b) itself from material financial loss,

[F1NHS England] may impose the contract sanction with immediate effect, pending the outcome of that procedure (or any court proceedings).

Textual Amendments

- F1** Words in Regulations substituted (6.11.2023) by [The Health and Care Act 2022 \(Further Consequential Amendments\) \(No. 2\) Regulations 2023 \(S.I. 2023/1071\)](#), reg. 1(1), **Sch. para. 1**

Changes to legislation:

The National Health Service (General Medical Services Contracts) Regulations 2015, Paragraph 73 is up to date with all changes known to be in force on or before 29 June 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.

[View outstanding changes](#)

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](#)