

SCHEDULE 3

Other contractual terms

[^{F1}PART 2A

List of patients: Crown servants posted overseas and their family members

Textual Amendments

- F1** Sch. 3 Pt. 2A 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. 4(e) (with reg. 3)

CHAPTER 1

Interpretation of Part 2A

Meaning of “qualifying person”

32A.—(1) A person (“P”) is a qualifying person for the purposes of this Part of this Schedule if—

- (a) P is returning, or has returned, to the United Kingdom, and
- (b) sub-paragraph (2), (3), (4) or (5) applies to P.

Civil servants posted overseas

(2) This sub-paragraph applies to P if—

- (a) P is a civil servant who is, or, immediately before their return to the United Kingdom, was, posted overseas, or
- (b) where P is returning, or has returned, to the United Kingdom for more than three months, P—
 - (i) was a civil servant who was posted overseas, and
 - (ii) is returning, or has returned, to the United Kingdom (other than temporarily) for the first time since ceasing to be a civil servant.

Family members of Crown servants posted overseas

(3) This sub-paragraph applies to P if P—

- (a) is a relevant family member of a person to whom sub-paragraph (2) applies (“R”), and
- (b) is, or, immediately before their return to the United Kingdom, was, accompanying R on the posting mentioned in that sub-paragraph.

(4) This sub-paragraph applies to P if P—

- (a) is a relevant family member of a civil servant (“C”) who—
 - (i) is posted overseas, or
 - (ii) where C is deceased, was at the time of their death posted overseas, and
- (b) is, or, immediately before their return to the United Kingdom, was, accompanying C on the posting mentioned in paragraph (a).

(5) This sub-paragraph applies to P if—

Status: Point in time view as at 01/10/2021.

Changes to legislation: The National Health Service (General Medical Services Contracts) Regulations 2015, CHAPTER 1 is up to date with all changes known to be in force on or before 01 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)

- (a) P is a relevant family member of a person (“M”) who—
 - (i) is a member of the armed forces of the Crown who is, or, immediately before their return to the United Kingdom, was, posted overseas,
 - (ii) where M is returning, or has returned, to the United Kingdom for more than three months—
 - (aa) was a member of the armed forces of the Crown who was posted overseas, and
 - (bb) is returning, or has returned, to the United Kingdom (other than temporarily) for the first time since ceasing to be a member of those forces, or
 - (iii) where M is deceased, was at the time of their death a member of the armed forces of the Crown posted overseas, and
 - (b) P is, or, immediately before their return to the United Kingdom, was, accompanying M on the posting mentioned in paragraph (a).
- (6) In this paragraph—
- “civil servant” means a person employed in the civil service of the State;
- “Crown servant” means—
- (a) a civil servant, or
 - (b) a member of the armed forces of the Crown.
- (7) For the purposes of this paragraph “relevant family member”, in relation to a Crown servant (including a Crown servant who is deceased) (“C”), means—
- (a) C’s spouse or civil partner;
 - (b) a person whose relationship with C has the characteristics of a relationship between spouses or civil partners;
 - (c) C’s former spouse or former civil partner;
 - (d) a person whose relationship with C had the characteristics of a relationship between spouses or civil partners but which has ended (for any reason);
 - (e) C’s widow, widower or surviving civil partner;
 - (f) a dependent child.
- (8) For the purposes of sub-paragraph (7)(f), a person is a “dependent child” of a Crown servant if they are a child of the Crown servant and—
- (a) they—
 - (i) have not, or, when they departed the United Kingdom, had not, attained the relevant age, and
 - (ii) are, or, where the Crown servant is deceased, were, wholly or mainly financially dependent on the Crown servant whilst accompanying the Crown servant on their overseas posting, or
 - (b) they are, or, where the Crown servant is deceased, were, wholly or mainly financially dependent on the Crown servant because of a disability (within the meaning of section 6 of the Equality Act 2010 ^{F2}).
- (9) For the purposes of sub-paragraph (8)(a)(i) “relevant age”—
- (a) in relation to a child of a civil servant, means the age of 21;
 - (b) in relation to a child of a member of the armed forces of the Crown, means the age of 25.

Textual Amendments

F2 2010 c. 15.

Qualifying persons to be treated as previous patients of contractors

32B.—(1) For the purposes of this Part of this Schedule, a qualifying person (“P”) is required to be treated as a previous patient of a contractor if—

- (a) where sub-paragraph (2) of paragraph 32A applies to P, P was removed from the contractor’s, or a predecessor contractor’s, list of patients under paragraph 29(1)(a) or (d) following the posting mentioned in paragraph 32A(2) or a previous overseas posting;
 - (b) where sub-paragraph (3) of paragraph 32A applies to P, R (within the meaning of that sub-paragraph) was removed from the contractor’s, or a predecessor contractor’s, list of patients under paragraph 29(1)(a) or (d) following the posting mentioned in paragraph 32A(2) or a previous overseas posting;
 - (c) where sub-paragraph (4) of paragraph 32A applies to P, C (within the meaning of that sub-paragraph) was removed from the contractor’s, or a predecessor contractor’s, list of patients under paragraph 29(1)(a) or (d) following the posting mentioned in paragraph 32A(4) or a previous overseas posting;
 - (d) where sub-paragraph (5) of paragraph 32A applies to P, P was removed from the contractor’s, or a predecessor contractor’s, list of patients under paragraph 29(1)(a) or (d) following P accompanying M (within the meaning of sub-paragraph (5) of paragraph 32A) on the posting mentioned in paragraph 32A(5) or on a previous overseas posting.
- (2) For the purposes of this paragraph “predecessor contractor”, in relation to a contractor (“A”)—
- (a) where A’s status as a contractor is that of a partnership following a variation in accordance with paragraph 58, means the individual medical practitioner referred to in sub-paragraph (1) of that paragraph;
 - (b) where A’s status as a contractor is that of an individual medical practitioner following a variation in accordance with sub-paragraph (11) of paragraph 59, means the partnership referred to in sub-paragraph (1) or (4) (as the case may be) of that paragraph;
 - (c) where otherwise than as set out in paragraph (a) or (b), A assumes any of the obligations of another contractor (“B”) to provide services originally provided by B under B’s contract, means B.

General interpretation of Part 2A

32C.—(1) In this Part of this Schedule—

“child” means—

- (a) a natural child,
- (b) an adopted child, or
- (c) a step-child;

“planned return date” means the date on which a person intends to return to the United Kingdom;

“qualifying person” has the meaning given in paragraph 32A;

“relevant family member” has the meaning given in paragraph 32A.

(2) For the purposes of this Part of this Schedule, a Crown servant is posted overseas if—

Status: Point in time view as at 01/10/2021.

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- (a) they are performing overseas (but not in Northern Ireland) the duties of a civil servant or member of the armed forces of the Crown (as the case may be), and
 - (b) they were, immediately before their posting or the first of consecutive postings, ordinarily resident in the United Kingdom.
- (3) For the purposes of this Part of this Schedule, a relevant family member of a Crown servant who has not resided in the United Kingdom and is coming, or has come, to the United Kingdom for the first time is to be treated as if they—
- (a) are returning, or have returned, to the United Kingdom, and
 - (b) departed the United Kingdom on the day on which they became a relevant family member of the Crown servant.
- (4) For the purposes of this part of this Schedule, a person is to be regarded as temporarily resident in a place if, when that person arrives in that place, they intend to stay for more than 24 hours but not for more than three months.]

Status:

Point in time view as at 01/10/2021.

Changes to legislation:

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