

**Changes to legislation:** The National Health Service (General Medical Services Contracts) Regulations 2015, CHAPTER 2 is up to date with all changes known to be in force on or before 16 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. (See end of Document for details) View outstanding changes

## SCHEDULE 3

### Other contractual terms

## [<sup>F1</sup>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 2

### Crown servants and family members returning to the United Kingdom: registering with original or successor practice

#### **Crown servants and family members returning to the United Kingdom for more than three months: inclusion in list of original or successor practice**

**32D.**—(1) Subject to sub-paragraph (4), a contractor must include a qualifying person (“P”) in the contractor’s list of patients if—

- (a) P is not registered as a patient with a provider of primary medical services,
- (b) P is required to be treated as a previous patient of the contractor,
- (c) P is returning, or has returned, to the United Kingdom for a period of more than three months, and
- (d) either—
  - (i) P makes an application for inclusion in the contractor’s list of patients (a “list application”), or
  - (ii) where P is a person to whom sub-paragraph (2) applies, a list application is made on their behalf by an appropriate person.

(2) This sub-paragraph applies to a person if they—

- (a) have not attained the age of 16 years, or
- (b) lack the capacity to make a list application or to authorise a person to make such an application on their behalf.

(3) For the purposes of sub-paragraph (1) it does not matter whether the contractor’s list of patients is open or closed.

(4) A list application—

- (a) may be made on or after the date which is one month before the planned return date, but
- (b) must be made before the end of the period of three months beginning with the day on which the person returns to the United Kingdom.

(5) Paragraph 29(1)(a) or (d) does not apply in respect of a qualifying person who is included in the contractor’s list of patients by virtue of sub-paragraph (1) before their return to the United Kingdom.

(6) Where a contractor accepts a list application, the contractor—

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- (a) must give notice in writing to [F2NHS England] of that acceptance (including the planned return date, where the application is made and accepted before that date) as soon as possible, but
  - (b) is not required to provide primary medical services to the qualifying person before they return to the United Kingdom.
- (7) [F2NHS England] must, on receipt of a notice given under sub-paragraph (6)(a)—
- (a) include the qualifying person in the contractor’s list of patients from the relevant date, and
  - (b) give notice in writing to the qualifying person or the appropriate person (as the case may be) of the acceptance.
- (8) For the purposes of paragraph (7)(a) “the relevant date” is—
- (a) where the relevant list application is made after a person’s return to the United Kingdom, the date on which [F2NHS England] receives the notice given under sub-paragraph (7)(a);
  - (b) where the relevant list application is made before a person’s return to the United Kingdom, the later of—
    - (i) the planned return date, and
    - (ii) the date on which [F2NHS England] receives the notice given under sub-paragraph (7)(a).
- (9) This paragraph is subject to paragraph 32H.

#### Textual Amendments

- F2** 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**

#### Persons returning to the United Kingdom for three months or less: temporary registration with original or successor practice

**32E.**—(1) A contractor must accept a qualifying person to whom sub-paragraph (2) applies (“P”) as a temporary resident provided that the contractor is satisfied that—

- (a) if P is in the United Kingdom, P is not being provided with essential services (or their equivalent) under any other arrangement in the locality where P is temporarily residing, or
  - (b) if P is not yet in the United Kingdom, when P arrives in the United Kingdom, P will not be provided with essential services (or their equivalent) under any other arrangement in the locality where P will be temporarily residing.
- (2) This sub-paragraph applies to a qualifying person if—
- (a) they are returning, or have returned, to the United Kingdom for a period of more than 24 hours but not more than three months,
  - (b) they are required to be treated as a previous patient of the contractor, and
  - (c) either—
    - (i) they make an application to be accepted as a temporary resident by the contractor (a “temporary resident application”), or
    - (ii) where they are a person to whom sub-paragraph (3) applies, a temporary resident application is made on their behalf by an appropriate person.
- (3) This sub-paragraph applies to a person if they—
- (a) have not attained the age of 16 years, or

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- (b) lack the capacity to make a temporary resident application or to authorise a person to make such an application on their behalf.
- (4) For the purposes of sub-paragraph (1) it does not matter whether the contractor’s list of patients is open or closed.
- (5) A temporary resident application may be made on or after the date which falls one month before the planned return date.
- (6) Where a contractor accepts a temporary resident application, the contractor’s responsibility for the relevant qualifying person does not begin until the relevant date.
- (7) Where a contractor wants to terminate its responsibility for a qualifying person accepted by it as a temporary resident under this paragraph before the end of the temporary residence period—
  - (a) the contractor must give notice, either orally or in writing, of that fact to the qualifying person or an appropriate person (as the case may be), and
  - (b) the contractor’s responsibility for the qualifying person is to cease seven days after the date on which the notice mentioned in paragraph (a) is given.
- (8) The contractor must give notice in writing to [F<sup>2</sup>NHS England] of its acceptance of a qualifying person as a temporary resident—
  - (a) at the end of the period of three months beginning with the relevant date, or
  - (b) if the contractor’s period of responsibility for that person as a temporary resident came to an end earlier than the end of the three month period referred to in paragraph (a), at the end of that period.
- (9) In this paragraph—
  - “relevant date” means the later of—
    - (a) the date on which the contractor accepts the qualifying person as a temporary resident, and
    - (b) the date on which the qualifying person returns to the United Kingdom;
  - “the temporary residence period”, in relation to a qualifying person, means—
    - (a) the period of three months beginning with the relevant date, or
    - (b) such shorter period for which the contractor agreed to accept that person as a temporary resident.
- (10) This paragraph is subject to paragraph 32H.]

**Textual Amendments**

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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](#)