

Status: Point in time view as at 01/07/2022.

Changes to legislation: The National Health Service (General Medical Services Contracts) Regulations 2015, PART 7 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)

SCHEDULE 3

Other contractual terms

PART 7

Notice requirements and rights of entry

Notices to the Board

49.—(1) In addition to any requirements to give notice elsewhere in these Regulations, the contractor must give notice in writing to the Board as soon as reasonably practicable of—

- (a) any serious incident that, in the reasonable opinion of the contractor, affects or is likely to affect the contractor's performance of its obligations under the contract;
- (b) any circumstances which give rise to the Board's right to terminate the contract under paragraph 65, 66 or 67;
- (c) any appointments system which the contractor proposes to operate and the proposed discontinuance of any such system;
- (d) any change in the address of a registered patient of which the contractor is aware; and
- (e) the death of any patient of which the contractor is aware.

(2) The contractor must give notice in writing to the Board about any person, other than a registered patient or a person whom the contractor has accepted as a temporary resident, to whom the contractor has provided essential services in the form of immediately necessary treatment as described in regulation 17(7) or (9).

(3) The contractor must give notice to the Board under sub-paragraph (2) before the end of the period of 28 days beginning with the date on which the services described in that sub-paragraph were provided.

Notice provisions specific to a contract with a company limited by shares

50.—(1) Where a contractor is a company limited by shares, the contractor must give notice in writing to the Board as soon as—

- (a) any share in the company is transmitted or transferred (whether legally or beneficially) to another person on a date after the date on which the contract was entered into;
- (b) a new director or secretary of the company is appointed;
- (c) circumstances arise which may entitle a creditor or a court to appoint a receiver, administrator or administrative receiver in respect of the company;
- (d) circumstances arise which would enable the court to make a winding up order in respect of the company;
- (e) a company resolution is passed, or a court of competent jurisdiction makes an order, that the company is to be wound up; or
- (f) the company is unable to pay its debts within the meaning of section 123 of the Insolvency Act 1986^{MI} (definition of inability to pay debts).

(2) A notice under sub-paragraph (1)(a) must confirm that the new shareholder or, as the case may be, the personal representative of a deceased shareholder —

- (a) is—
 - (i) a medical practitioner, or

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- (ii) a person who satisfies the conditions specified in section 86(2)(b)(i) to (iv) of the Act ^{M2} (persons eligible to enter into GMS contracts); and
- (b) meets the further conditions imposed on shareholders by virtue of regulations 5 and 6.
- (3) A notice under sub-paragraph (1)(b) must confirm that the new director or, as the case may be, secretary meets the conditions imposed on directors and secretaries by virtue of regulation 6.

Marginal Citations

- M1** 1986 c.45. Section 123 was modified by section 90 of, and Schedule 15 to, the [Building Societies Act 1986 \(c.53\)](#), and by section 23 of, and Schedule 10 to, the [Friendly Societies Act 1992 \(c.40\)](#).
- M2** Section 86 was amended by section 202(1) of, and paragraph 32 of Schedule 4 to, the [Health and Social Care Act 2012 \(c.7\)](#).

Notice provisions specific to a contract with two or more individuals practising in a partnership

51.—(1) Where a contractor is a partnership, the contractor must give notice in writing to the Board as soon as—

- (a) any partner in the partnership—
 - (i) leaves the partnership, or
 - (ii) informs the other partners in the partnership that they intend to leave the partnership;or
- (b) a new partner joins the partnership.

(2) A notice under sub-paragraph (1)(a) must confirm the date on which the partner left or proposes to leave the partnership.

(3) A notice under sub-paragraph (1)(b) must—

- (a) state the date on which the new partner joined the partnership;
- (b) confirm that the new partner is—
 - (i) a medical practitioner, or
 - (ii) a person who satisfies the conditions specified in section 86(2)(b)(i) to (iv) of the Act (persons eligible to enter into GMS contracts);
- (c) confirm that the new partner meets the conditions imposed by regulations 5 and 6; and
- (d) state whether the new partner is a general or a limited partner in the partnership.

Notice of deaths

52.—(1) The contractor must give notice in writing to the Board of the death on its practice premises of a patient no later than the end of the first working day after the day on which that death occurred.

(2) The notice given under sub-paragraph (1) must include—

- (a) the patient's name;
- (b) the patient's National Health Service number (where known);
- (c) the date and place of the patient's death;
- (d) a brief description of the circumstances (as known) surrounding the patient's death;

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- (e) the name of any medical practitioner or other person treating the patient while the patient was on the contractor's practice premises; and
- (f) the name (where known) of any other person who was present at the time of the patient's death.

Notices given to patients following variation of the contract

53.—(1) This paragraph applies where a contract is varied in accordance with regulation 29 and Part 8 of this Schedule and, as a result of that variation—

- (a) there is to be a change in the range of services provided to the contractor's registered patients; or
 - (b) patients who are on the contractor's list of patients are to be removed from that list.
- (2) Where this paragraph applies, the Board must—
- (a) give notice in writing to those patients of the variation and of its effect; and
 - (b) inform those patients of the steps that they may take to—
 - (i) obtain the services in question elsewhere, or
 - (ii) register elsewhere for the provision to them of essential services (or their equivalent).

Entry and inspection by the Board

54.—(1) Subject to the conditions specified in sub-paragraph (2), the contractor must allow any person authorised in writing by the Board to enter and inspect the contractor's practice premises at any reasonable time.

- (2) The conditions specified in this sub-paragraph are that—
- (a) reasonable notice of the intended entry has been given;
 - (b) written evidence of the authority of the person seeking entry is produced to the contractor on request; and
 - (c) entry is not made to any premises or part of the premises used as residential accommodation without the consent of the resident.

(3) The contractor or the Board or a person authorised in writing by the Board may invite the Local Medical Committee (if any) for the area in which the contractor provides services under the contract to be present at any inspection of the contractor's practice premises which takes place under this paragraph.

Entry and inspection by the Care Quality Commission

55. The contractor must allow persons authorised by the Care Quality Commission to enter and inspect the contractor's practice premises in accordance with section 62 of the Health and Social Care Act 2008 ^{M3} (entry and inspection).

Marginal Citations

M3 2008 c.14.

Entry and inspection by Local Healthwatch organisations

56. The contractor must comply with the requirement to allow an authorised representative to enter and view premises and observe the carrying on of activities on those premises in accordance

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with regulations made under section 225 of the Local Government and Public Involvement in Health Act 2007 ^{M4} (duties of services-providers to allow entry by Local Healthwatch organisations or contractors).

Marginal Citations

M4 2007 c.28. See section 225(5) of that Act for the meaning of “authorised representative”. Section 225 was amended by section 179 of, and Schedule 14 to, the [Health and Social Care Act 2014 \(c.7\)](#) (“the 2012 Act”); section 186(6) to (11) of the 2012 Act; and paragraphs 148 to 151 of Schedule 5 to the 2012 Act.

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