
Status: Point in time view as at 15/05/2023.

Changes to legislation: The National Health Service (Personal Medical Services Agreements) Regulations 2015, PART 3 is up to date with all changes known to be in force on or before 18 August 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)

STATUTORY INSTRUMENTS

2015 No. 1879

The National Health Service (Personal Medical Services Agreements) Regulations 2015

PART 3

Pre-agreement dispute resolution

Pre-agreement disputes

8.—(1) If, in the course of negotiations intending to lead to an agreement, the parties to the proposed agreement (“the prospective parties”) are unable to agree on a particular term of the agreement, either party may refer the dispute to the Secretary of State to consider and determine.

(2) Where the prospective parties are health service bodies, any dispute which arises in the course of the negotiation of the proposed agreement may be referred to the Secretary of State for determination under section 9 of the Act (NHS contracts).

(3) Any dispute referred to the Secretary of State in accordance with paragraph (1), or to which section 9 of the Act applies by virtue of paragraph (2), must be considered and determined in accordance with the provisions of regulations 76(3) to (14) and 77(1) and, where it applies, paragraph (4) of this regulation.

- (4) Where a dispute is referred to the Secretary of State under paragraph (1), the determination—
- (a) may specify terms to be included in the proposed agreement;
 - (b) may require the Board to proceed with the proposed agreement, but may not require the intended contractor to proceed with the proposed agreement; and
 - (c) is binding upon the prospective parties.

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