

SCHEDULE 2

Other required terms

PART 7

Notice requirements and rights of entry

Notices to [F1NHS England]

45. In addition to any requirements to give notice elsewhere in these Regulations, the contractor must give notice in writing to [F1NHS England] 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 agreement;
- (b) any circumstances which give rise to [F1NHS England's] right to terminate the agreement under paragraph 57 or 58;
- (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.

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**

Notice provisions specific to an agreement with a qualifying body

46.—(1) Where a qualifying body is a party to the agreement, the contractor must give notice in writing to [F1NHS England] as soon as—

- (a) any share in the qualifying body is transmitted or transferred (whether legally or beneficially) to another person on a date after the date on which the agreement was entered into;
- (b) a new director or secretary of the qualifying body is appointed;
- (c) the qualifying body passes a resolution, or a court of competent jurisdiction makes an order, that the qualifying body be wound up;
- (d) circumstances arise which might entitle a creditor or a court to appoint a receiver, administrator or administrative receiver for the qualifying body;
- (e) circumstances arise which would enable the court to make a winding up order in respect of the qualifying body; or
- (f) the qualifying body is unable to pay its debts within the meaning of section 123 of the Insolvency Act 1986 ^{M1} (definition of inability to pay debts).

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

- (a) falls within section 93(1) of the Act ^{M2} (persons with whom agreements may be made); and
- (b) meets the further conditions imposed on shareholders by virtue of regulation 5.

Changes to legislation: The National Health Service (Personal Medical Services Agreements) Regulations 2015, PART 7 is up to date with all changes known to be in force on or before 11 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) View outstanding changes

(3) A notice under 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 5.

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**

Marginal Citations

M1 1986 c.45. Section 123 was modified by section 90 of, and Schedule 15 to, the [Building Societies Act 1986 \(c.5\)](#), and by the section 23 of, and Schedule 10 to, the [Friendly Societies Act 1992 \(c.40\)](#).

M2 Section 93 was amended by paragraph 37 of Schedule 4 to the [Health and Social Care Act 2012 \(c.7\)](#).

Notice of deaths

47.—(1) The contractor must give notice in writing to [^{F1}NHS England] of the death on its practice premises of a patient no later than the end of the first working day after the date on which that death occurred.

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

- (a) the patient's full 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;
- (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.

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**

Notices given to patients following variation of the agreement

48.—(1) This paragraph applies where an agreement is varied in accordance with regulation 24 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, [^{F1}NHS England] must—

- (a) give notice in writing to those patients of that 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).

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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**

Entry and inspection by [^{F1}NHS England]

49.—(1) Subject to the conditions specified in sub-paragraph (2), the contractor must allow any person authorised in writing by [^{F1}NHS England] 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.

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**

Entry and inspection by the Care Quality Commission

50. 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

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

Marginal Citations

- M4** [2007 c.28.](#) See section 225(5) 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, and Schedule 5 to, the 2012 Act; and paragraphs 148 to 151 of Schedule 5 to the 2012 Act.

Changes to legislation:

The National Health Service (Personal Medical Services Agreements) Regulations 2015, PART 7 is up to date with all changes known to be in force on or before 11 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.

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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. 2 para. 3(3)(4) inserted by [S.I. 2024/575 Sch. 2 para. 7\(a\)\(ii\)](#)
- Sch. 2 para. 17(3)(3A) substituted for Sch. 2 para. 17(3) by [S.I. 2024/575 Sch. 2 para. 10](#)
- reg. 21AA(10)(a)(b) words in reg. 21AA(10) renumbered as reg. 21AA(10)(a)(b) by [S.I. 2023/436 Sch. 2 para. 3\(2\)](#) (This amendment not applied to Legislation.gov.uk - S.I. 2023/436 revoked by S.I. 2023/449, reg. 4 immediately before coming into force.)
- reg. 21AA(11)(a)(i)(ii) words in reg. 21AA(11)(a) renumbered as reg. 21AA(11)(a)(i)(ii) by [S.I. 2023/436 Sch. 2 para. 3\(3\)\(a\)](#) (This amendment not applied to Legislation.gov.uk - S.I. 2023/436 revoked by S.I. 2023/449, reg. 4 immediately before coming into force.)