

## SCHEDULE 1

### Amendment of the National Health Service (General Medical Services Contracts) Regulations 2015

## PART 2

### List of Patients: Crown servants posted overseas and their family members

#### Registration of patients: Crown servants posted overseas and their family members

4. In Schedule 3(1)—
- (a) in paragraph 17(1), for “paragraph 18” substitute “paragraph 18, 19, 19A, 32D or 32F”;
  - (b) in paragraph 18, after sub-paragraph (6) insert—  
“ (7) This paragraph is subject to Part 2A.”;
  - (c) in paragraph 20, after sub-paragraph (4) insert—  
“ (5) This paragraph is subject to Part 2A.”;
  - (d) in paragraph 22, for “18 or 20” substitute “18, 20, 32D, 32E, 32F or 32G”;
  - (e) after paragraph 32 insert—

## “PART 2A

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

#### 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.

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(1) There are amendments to Schedule 3 but none is relevant.

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*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—
  - (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(2)).

(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.

#### **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 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;

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- (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—

- (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.

**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—

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- (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—
  - (a) must give notice in writing to the Board 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) The Board 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 the Board 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 the Board receives the notice given under sub-paragraph (7)(a).
- (9) This paragraph is subject to paragraph 32H.

**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—

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- (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
  - (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 the Board 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—

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- (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.

### CHAPTER 3

#### Crown servants and family members returning to the United Kingdom: registration with a new practice

##### **Crown servants and family members returning to the United Kingdom for more than three months: inclusion in list of patients of a new practice**

**32F.**—(1) A contractor must, if the contractor’s list of patients is open, 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 returning, or has returned, to the United Kingdom for a period of more than three months,
- (c) P is not required to be treated as a previous patient of the contractor, and
- (d) either—
  - (i) P makes an application for inclusion in that list (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) A list application may be made during the period commencing one month prior to the planned return date and ending 24 hours prior to that date.

(4) Where a contractor’s list of patients is closed, the contractor may, by virtue of this sub-paragraph, accept a list application if the applicant is an immediate family member of a registered patient.

(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—

- (a) must give notice in writing to the Board of that acceptance (including the planned return 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) The Board 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 sub-paragraph (7)(a) “the relevant date” is the later of—

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- (a) the date on which the Board receives the notice given under sub-paragraph (6) (a), and
  - (b) the planned return date.
- (9) This paragraph is subject to paragraph 32H.

**Crown servants and family members returning to the United Kingdom for three months or less: temporary registration with new practice**

**32G.**—(1) A contractor must, if the contractor’s list of patients is open, 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 at least 24 hours but not more than three months,
  - (b) they are not 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
  - (b) lack the capacity to make a temporary resident application or to authorise a person to make such an application on their behalf.
- (4) A temporary resident application may be made on or after the date which falls one month before the planned return date.
- (5) Where a contractor accepts a temporary resident application, the contractor’s responsibility for the relevant qualifying person does not begin until the relevant date.
- (6) 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.
- (7) The contractor must give notice in writing to the Board of its acceptance of the qualifying person as a temporary resident—
- (a) at the end of the period of three months beginning with the relevant date, or

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- (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.
- (8) 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.
- (9) This paragraph is subject to paragraph 32H.

#### CHAPTER 4

#### Refusal of applications under this Part

#### **Refusal of an application under paragraphs 32D to 32G**

**32H.**—(1) The contractor may refuse a list application, or a temporary residence application, if (and only if) the contractor has reasonable grounds for doing so which do not relate to the qualifying person’s age, appearance, disability or medical condition, gender or gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sexual orientation or social class.

(2) The reasonable grounds referred to in sub-paragraph (1) may, in the case of a list application, include the ground that the qualifying person will not, on or after the planned return date, live in, or does not intend to live in, either of the following areas—

- (a) the contractor’s practice area, or
- (b) the outer boundary area (the area referred to in regulation 20(3)).

(3) Where a contractor refuses a list application, or temporary resident application, the contractor must give a refusal notice to the relevant person before the end of the period of 14 days beginning with the date of the decision to refuse the application.

- (4) For the purposes of sub-paragraph (3), the relevant person is—
  - (a) the applicant, or
  - (b) where the application was made on behalf of a person who has not attained the age of 16 years or a person who lacks capacity, the person who made the application on their behalf.
- (5) The contractor must—
  - (a) keep a written record of—
    - (i) the refusal of any list application, and
    - (ii) its reasons for that refusal, and
  - (b) make such records available to the Board on request.

- (6) In this paragraph—
  - “list application” means an application under paragraph 32D or 32F;
  - “refusal notice” means a notice which—

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- (a) is in writing, and
  - (b) includes the reasons for the decision to refuse the relevant application;
- “temporary residence application” means an application under paragraph 32E or 32G.”.