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WELSH STATUTORY INSTRUMENTS

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**2004 No. 478 (W.48)**

**NATIONAL HEALTH SERVICE, WALES**

**The National Health Service (General Medical  
Services Contracts) (Wales) Regulations 2004**

*Made - - - - 26th February 2004*

*Coming into force 1st March 2004*

**THE NATIONAL HEALTH SERVICE (GENERAL MEDICAL  
SERVICES CONTRACTS) (WALES) REGULATIONS 2004**

**PART 1**

**GENERAL**

1. Citation, commencement and application
2. Interpretation

**PART 2**

**CONTRACTORS**

3. Subject to the provisions of any order made by the...
4. Conditions : General
5. General condition relating to all contracts
6. Reasons
7. Appeal
8. Prescribed period under section 28D(1)(bc) of the Act

**PART 3**

**PRE-CONTRACT DISPUTE RESOLUTION**

9. Pre-contract disputes

**PART 4**

**HEALTH SERVICE BODY STATUS**

10. Health service body status

*Status: This is the original version (as it was originally made).*

PART 5

**CONTRACTS: REQUIRED TERMS**

- 11. Parties to the contract
- 12. Health service contract
- 13. Contracts with individuals practising in partnership
- 14. Duration
- 15. Essential services
- 16. Additional services
- 17. Opt outs of additional and out of hours services
- 18. Services generally
- 19. (1) Except in the case of the services referred to...
- 20. A contract must contain a term which requires the contractor...
- 21. Certificates
- 22. Finance
- 23. The contract must contain a term to the effect that...
- 24. Fees and charges
- 25. Arrangements on termination
- 26. Other contractual terms

PART 6

**FUNCTIONS OF LOCAL MEDICAL COMMITTEES**

- 27. (1) The functions of a Local Medical Committee which are...

PART 7

**TRANSITIONAL PROVISIONS**

- 28. Commencement
- 29. Additional services
- 30. Out of hours services
- 31. (1) Where the contract is with —
- 32. A contract which includes the provision of out of hours...  
Signature

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SCHEDULE **REPEAT DISPENSING FORMS**

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**PART 1 — REPEATABLE PRESCRIPTION**

**PART 2 — BATCH ISSUE**

SCHEDULE **ADDITIONAL SERVICES**

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- 1. Additional services generally
- 2. Cervical screening
- 3. Contraceptive services
- 4. Vaccinations and immunisations
- 5. Childhood vaccinations and immunisations
- 6. Child health surveillance
- 7. Maternity medical services
- 8. Minor surgery

- SCHEDULE **OPT OUTS OF ADDITIONAL AND OUT OF HOURS SERVICES**
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1. Opt outs of additional services: general
  2. Temporary opt outs and permanent opt outs following temporary opt outs
  3. Permanent opt outs
  4. Out of hour opt outs where the opt out notice is served after 30th September 2004
  5. Out of hours opt out where the opt out notice is served before 1st October 2004
  6. Informing patients of opt outs
- SCHEDULE **LIST OF PRESCRIBED MEDICAL CERTIFICATES**
- 4
- SCHEDULE **FEES AND CHARGES**
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1. The contractor may, demand or accept, a fee or other...
- SCHEDULE **OTHER CONTRACTUAL TERMS**
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- PART 1 — PROVISION OF SERVICES**
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  2. Attendance at practice premises
  3. Attendance outside practice premises
  4. Newly registered patients
  5. Patients not seen within three years
  6. Patients aged 75 years and over
  7. Clinical reports
  8. Storage of vaccines
  9. Infection control
  10. Criteria for out of hours services
  11. Standards for out of hours services
  12. Duty of co-operation in relation to additional, enhanced and out of hours services
  13. Where a contractor is to cease to be required to...
- PART 2 — PATIENTS**
14. List of patients
  15. Application for inclusion in a list of patients
  16. Temporary residents
  17. Refusal of applications for inclusion in the list of patients or for acceptance as a temporary resident
  18. Patient preference of practitioner
  19. Removal from the list at the request of the patient
  20. Removal from the list at the request of the contractor
  21. Removals from the list of patients who are violent
  22. Removals from lists if patients registered elsewhere
  23. Removals from the list of patients who have moved
  24. Where the address of a patient who is on the...
  25. Removals from the list of patients absent from the United Kingdom etc
  26. Removals from the list of patients accepted elsewhere as temporary residents
  27. Removals from the list of pupils etc of a school
  28. Termination of responsibility for patients not registered with the contractor

*Status: This is the original version (as it was originally made).*

29. Closure of lists of patients
30. Approval of closure notice by the Local Health Board
31. Rejection of closure notice by the Local Health Board
32. Assignment of patients to lists: open lists
33. Assignment of patients to lists: closed lists
34. Factors relevant to assignments
35. Assignments to closed lists: determinations of the assessment panel
36. Assignments to closed lists: NHS dispute resolution procedure relating to determinations of the assessment panel
37. Assignments to closed lists: assignments of patients by a Local Health Board

#### **PART 3 — PRESCRIBING AND DISPENSING**

38. Prescribing
39. (1) Subject to paragraphs 42 and 43, a prescriber shall...
40. Repeatable prescribing services
41. Repeatable prescriptions
42. Restrictions on prescribing by medical practitioners
43. Restrictions on prescribing by supplementary prescribers
44. Bulk prescribing
45. Interpretation of paragraphs 38, 39 and 41 to 44
46. Excessive prescribing
47. Provision of dispensing services
48. Consent to dispense
49. Terms relating to the provision of dispensing services
50. Dispensing contractor list
51. Provision of drugs, medicines and appliances for immediate treatment or personal administration

#### **PART 4 — PERSONS WHO PERFORM SERVICES**

52. Qualifications of performers
53. No health care professional other than one to which paragraph...
54. Where the registration of a health care professional or, in...
55. No health care professional shall perform any clinical services unless...
56. Conditions for employment and engagement
57. (1) A contractor shall not employ or engage —
58. (1) The contractor shall not employ or engage a health...
59. (1) Before employing or engaging any person to assist it...
60. Training
61. The contractor shall afford to each employee reasonable opportunities to...
62. Terms and conditions
63. Arrangements for GP Registrars
64. Independent nurse prescribers and supplementary prescribers
65. Signing of documents
66. Level of skill
67. Appraisal and assessment
68. Sub-contracting of clinical matters
69. Sub-contracting of out of hours services
70. Withdrawal and variation of approval under paragraph 69
71. (1) Without prejudice to any other remedies which it may...

#### **PART 5 — RECORDS, INFORMATION, NOTIFICATIONS AND RIGHTS OF ENTRY**

72. Patient records

73. Access to records for the purpose of the Quality Information Preparation Scheme
74. Confidentiality of personal data
75. Practice leaflet
76. Provision of information
77. Inquiries about prescriptions and referrals
78. Reports to a medical officer
79. Annual return and review
80. Notifications to the Local Health Board
81. The contractor shall, unless it is impracticable for it to...
82. The contractor shall notify the Local Health Board in writing...
83. Notice provisions specific to a contract with a company limited by shares
84. Notice provisions specific to a contract with two or more individuals practising in partnership
85. Notification of deaths
86. Notifications to patients following variation of the contract
87. Entry and Inspection by the Local Health Board
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89. Entry and Inspection by the Commission for Healthcare Audit and Inspection and by the National Assembly for Wales

#### **PART 6 — COMPLAINTS**

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91. Making of Complaints
92. Where a patient has died a complaint may be made...
93. Period for making complaints
94. Further requirements for complaints procedures
95. Co-operation with investigations
96. Provision of information about complaints

#### **PART 7 — DISPUTE RESOLUTION**

97. Local resolution of contract disputes
98. Dispute resolution: non-NHS contracts
99. NHS dispute resolution procedure
100. Determination of dispute
101. Interpretation of Part 7

#### **PART 8 — VARIATION AND TERMINATION OF CONTRACTS**

102. Variation of a contract: general
103. Variation provisions specific to a contract with an individual medical practitioner
104. Variation provisions specific to a contract with two or more individuals practising in partnership
105. Termination by agreement
106. Termination by the contractor
107. Late payment notices
108. Termination by the Local Health Board: general
109. Termination by the Local Health Board for breach of conditions in regulation 4
110. Termination by the Local Health Board for the provision of untrue etc information
111. Other grounds for termination by the Local Health Board
112. The Local Health Board may serve notice in writing on...
113. Termination by the Local Health Board: remedial notices and breach notices

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- 114. Termination by the Local Health Board: additional provisions specific to contracts with two or more individuals practising in partnership and companies limited by shares
  - 115. Contract sanctions
  - 116. Contract sanctions and the NHS dispute resolution procedure
  - 117. Termination and the NHS dispute resolution procedure
  - 118. Consultation with the Local Medical Committee
- PART 9 — MISCELLANEOUS
- 119. Clinical governance
  - 120. Insurance
  - 121. The contractor shall at all times hold adequate public liability...
  - 122. Gifts
  - 123. Compliance with legislation and guidance
  - 124. Third party rights
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OUT OF HOURS SERVICES
- 1. Temporary arrangements for transfer of obligations and liabilities in relation to certain out of hours services
  - 2. Application for approval of an out of hours arrangement
  - 3. Effect of approval
  - 4. Review of approval
  - 5. Immediate withdrawal of approval other than following review
  - 6. Suspension or termination of an out of hours arrangement
- SCHEDULE 8  
CLOSURE NOTICE
- SCHEDULE 9  
LOCAL HEALTH BOARDS SPECIFIED FOR THE PURPOSES OF REPEATABLE PRESCRIBING
- SCHEDULE 10  
INFORMATION TO BE INCLUDED IN PRACTICE LEAFLETS
- 1. A practice leaflet shall include —
  - 2. In the case of a contract with a partnership —...
  - 3. In the case of a contract with a company —...
  - 4. The full name of each person performing services under the...
  - 5. In the case of each health care professional performing services...
  - 6. Whether the contractor undertakes the teaching or training of health...
  - 7. The contractor's practice area , by reference to a sketch...
  - 8. The address of each of the practice premises.
  - 9. The contractor's telephone and fax numbers and the address of...
  - 10. Whether the practice premises have suitable access for disabled patients...
  - 11. How to register as a patient.
  - 12. The right of patients to express a preference of practitioner...
  - 13. The services available under the contract.
  - 14. The opening hours of the practice premises and the method...
  - 15. The criteria for home visits and the method of obtaining...
  - 16. The consultations available to patients under paragraphs 5 and 6...
  - 17. The arrangements for services in the out of hours period...
  - 18. If the services in paragraph 17 are not provided by...
  - 19. The name and address of any local walk-in centre ....
  - 20. The telephone number of NHS Direct and details of NHS...
  - 21. The method by which patients are to obtain repeat prescriptions....

22. If the contractor offers repeatable prescribing services, the arrangements for...
23. If the contractor is a dispensing contractor the arrangements for...
24. How patients may make a complaint or comment on the...
25. The rights and responsibilities of the patient, including keeping appointments....
26. The action that may be taken where a patient is...
27. Details of who has access to patient information (including information...
28. The name, address and telephone number of the Local Health...  
Explanatory Note