

*Status: This version of this provision is prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The National Health Service (General Medical Services Contracts) (Wales) Regulations 2023. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## WELSH STATUTORY INSTRUMENTS

# 2023 No. 953

## The National Health Service (General Medical Services Contracts) (Wales) Regulations 2023

PROSPECTIVE

### PART 5

#### Contracts: required terms

##### Termination of a contract

**28.—**(1) A contract may only be terminated as provided for by Part 11 of Schedule 3.

(2) A contract must make suitable provision for the arrangements which are to have effect on termination of the contract, including the consequences (whether financial or otherwise) of the contract ending.

(3) The provisions dealing with the financial consequences of termination must include at least provisions having the effect specified in paragraphs (4), (5), (6), (7) and (8) and must provide for those provisions to survive the termination of the contract.

(4) Subject to paragraphs (5), (6), (7) and (8), the Local Health Board's obligation to make payments to the contractor in accordance with the contract ceases on the date of termination of the contract.

(5) On termination of the contract or termination for any reason, the Local Health Board must perform a reconciliation of the payments made by the Local Health Board to the contractor and the extent to which the contractor has performed the obligations under the contract to which those payments relate (and the Local Health Board must also, in the event that the contractor has terminated the contract pursuant to paragraph 114 of Part 11 of Schedule 3 but has not performed its obligations under the contract for the duration of the notice period (or such shorter period as the Local Health Board and contractor have agreed in writing), be entitled to reflect in the reconciliation any additional costs that the Local Health Board has incurred in securing alternative services for the duration of that notice period).

(6) The Local Health Board must serve the contractor with written details of the reconciliation as soon as reasonably practicable, and in any event no later than 28 days after the termination of the contract.

(7) If the contractor disputes the accuracy of the reconciliation, the contractor may refer the dispute to the NHS dispute resolution procedure within 28 days beginning on the date on which the Local Health Board served the contractor with written details of the reconciliation. That determination of the dispute is binding on the parties.

(8) Each party must pay the other any monies due within 3 months of the date on which the Local Health Board served the contractor with written details of the reconciliation, or the conclusion of the NHS dispute resolution procedure, as the case may be.

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(9) The provisions dealing with the non-financial consequences of termination must include at least the provisions in paragraphs (10) and (11) and must provide for those provisions to survive the termination of the contract.

(10) The contract must provide that the termination of the contract, for whatever reason, is without prejudice to the accrued rights of either party under the contract.

(11) The contract must provide that on termination of the contract for any reason, the contractor must—

- (a) subject to the requirements of this paragraph (11), cease performing any work or carrying out any obligations under the contract,
- (b) co-operate with the Local Health Board to enable any outstanding matters under the contract to be dealt with or concluded in a satisfactory manner,
- (c) co-operate with the Local Health Board to enable the contractor’s patients to be transferred to one or more other contractors or providers of unified services (or their equivalent), which must include—
  - (i) providing reasonable information about individual patients, and
  - (ii) delivering patient recordsto such other appropriate person or persons as the Local Health Board specifies, and
- (d) deliver up to the Local Health Board all property belonging to the Local Health Board including all documents, forms, computer hardware and software, drugs, appliances or medical equipment which may be in the contractor’s possession or control.

**Commencement Information**

**II** Reg. 28 in force at 1.10.2023, see [reg. 1\(2\)](#)

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**Changes and effects yet to be applied to :**

- reg. 28 coming into force by [S.I. 2023/953 reg. 1\(2\)](#)
- reg. 28(3) words substituted by [S.I. 2023/1421 reg. 14\(a\)](#)
- reg. 28(4) words substituted by [S.I. 2023/1421 reg. 14\(b\)](#)
- reg. 28(5) closing bracket omitted by [S.I. 2023/1421 reg. 14\(c\)\(ii\)](#)
- reg. 28(5) words substituted by [S.I. 2023/1421 reg. 14\(c\)\(i\)](#)
- reg. 28(11)(c) words inserted by [S.I. 2023/1421 reg. 14\(d\)\(iii\)](#)
- reg. 28(11)(c) words substituted by [S.I. 2023/1421 reg. 14\(d\)\(i\)](#)
- reg. 28(11)(c)(ii) word omitted by [S.I. 2023/1421 reg. 14\(d\)\(ii\)](#)

**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. 3 para. 16(3) inserted by [S.I. 2023/1421 reg. 18\(b\)](#)
- Sch. 5 para. 2(2)(a)(iv)(aa) omitted by [S.I. 2023/1421 reg. 20\(d\)](#)
- Sch. 5 para. 2(2)(a)(i)(aa) word substituted by [S.I. 2023/1421 reg. 20\(c\)](#)