

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 2

Contractors: conditions and eligibility

Conditions relating solely to medical practitioners

- 5.—(1) Where the Local Health Board enters, or is proposing to enter into a contract with—
- (a) a medical practitioner, that medical practitioner must be a general medical practitioner;
 - (b) two or more persons practising in a partnership—
 - (i) at least one partner (who must not be a limited partner) must be a general medical practitioner, and
 - (ii) any other partner who is a medical practitioner must be—
 - (aa) a general medical practitioner, or
 - (bb) employed by a Local Health Board, (in England and Wales and Scotland) an NHS Trust, an NHS foundation trust, (in Scotland) a Health Board, or (in Northern Ireland) a Health and Social Care Trust; or
 - (c) a company limited by shares—
 - (i) at least one share in the company must be both legally and beneficially owned by a general medical practitioner, and
 - (ii) any other share or shares in the company that are legally and beneficially owned by a medical practitioner must be so owned by—
 - (aa) a general medical practitioner, or
 - (bb) a medical practitioner who is employed by a Local Health Board, (in England and Wales and Scotland) an NHS Trust, an NHS foundation trust, (in Scotland) a Health Board or, (in Northern Ireland) a Health and Social Care Trust.
- (2) In paragraph (1)(a), (b)(i) and (c)(i) “general medical practitioner” does not include a medical practitioner whose name is included in the General Practitioner Register by virtue of being a medical practitioner to whom paragraph (3), (4) or (5) applies.
- (3) This paragraph applies to a medical practitioner referred to in article 4(3) of the 2010 Order (general practitioners eligible for entry in the General Practitioner Register) who was exempt from the requirement to have the prescribed experience under—

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- (a) regulation 5(1)(d) of the National Health Service (Vocational Training for General Medical Practice) Regulations 1997⁽¹⁾,
- (b) regulation 5(1)(d) of the National Health Service (Vocational Training for General Medical Practice) (Scotland) Regulations 1998⁽²⁾, or
- (c) regulation 5(1)(d) of the National Health Service (Vocational Training) Regulations (Northern Ireland) 1998⁽³⁾.

(4) This paragraph applies to a medical practitioner who has an acquired right for the purposes of article 6(2) of the 2010 Order (persons with acquired rights) by virtue of—

- (a) having been a restricted services principal, and
- (b) that medical practitioner’s name being included, as at 31 December 1994, in—
 - (i) a medical list which was, at that date, kept by a Family Health Services Authority⁽⁴⁾, or
 - (ii) any corresponding list which was, at that date, kept by a Health Board or by the Northern Ireland Central Services Agency for the Health and Social Services in Northern Ireland.

(5) This paragraph applies to a medical practitioner who has an acquired right for the purposes of article 6(6) of the 2010 Order (which relates to persons engaged or provided as a deputy or employed as an assistant) because, on at least 10 days in the 4 years ending with 31 December 1994, or on at least 40 days in the 10 years ending with that date, that medical practitioner was—

- (a) engaged as a deputy by, or provided as a deputy to, a medical practitioner whose name was included in—
 - (i) the medical list which was, at that date, kept by a Family Health Services Authority, or
 - (ii) any corresponding list kept, at that date, by a Health Board or by the Northern Ireland Central Services Agency for the Health and Social Services in Northern Ireland, or
- (b) employed as an assistant (other than as a trainee general practitioner) by such a medical practitioner.

(6) In paragraph (4)(a), “restricted services principal” means a medical practitioner who provided general medical services limited to child health surveillance, contraceptive services, maternity medical services or minor surgery.

Commencement Information

II Reg. 5 in force at 1.10.2023, see [reg. 1\(2\)](#)

⁽¹⁾ S.I. 1997/2817, as amended by S.I. 1998/669 and revoked by S.I. 2003/1250.

⁽²⁾ S.I. 1998/5, as amended by S.I.1998/669 and S.S.I. 2000/23 and revoked by S.I. 2003/1250.

⁽³⁾ S.R. 1998/13, revoked by S.I. 2003/1250.

⁽⁴⁾ Family Health Services Authorities no longer exist. They were merged with Health Authorities in 1994. Health Authorities have now been abolished.

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Changes and effects yet to be applied to :

- reg. 5 coming into force by [S.I. 2023/953 reg. 1\(2\)](#)
- reg. 5(3)(c) words substituted by [S.I. 2023/1421 reg. 5\(a\)](#)
- reg. 5(4)(b) word substituted by [S.I. 2023/1421 reg. 5\(b\)](#)
- reg. 5(5) word substituted by [S.I. 2023/1421 reg. 5\(b\)](#)

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\(c\)](#)