

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the [legislation.gov.uk](https://www.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](#)

PROSPECTIVE

SCHEDULE 3

Other contractual terms

PART 2

Patients

Removal from the list at the request of the contractor

29.—(1) Subject to paragraph 30, a contractor who has reasonable grounds for wanting a person to be removed from its list of patients which do not relate to the person's race, social class, age, religion or belief, sexual orientation, gender or gender reassignment, marriage or civil partnership, pregnancy or maternity, appearance, disability or medical condition must—

- (a) give notice in writing to the Local Health Board that it wants to have the person removed and provide within the notice an explanation of the grounds for the requested removal and why the removal would be reasonable, and
 - (b) subject to sub-paragraph (2), give notice in writing to the person of its specific reasons for requesting the removal of that person.
- (2) Where in the reasonable opinion of the contractor—
- (a) the circumstances of the person's removal are such that it is not appropriate for a more specific reason to be given, and
 - (b) there has been an irrevocable breakdown in the relationship between the relevant person and the contractor,

the reason given to the patient under sub-paragraph (1) may consist of a statement that there has been such a breakdown.

(3) Except in the circumstances specified in sub-paragraph (4) a contractor may only request the removal of a person from its list of patients under sub-paragraph (1), if, before the end of the period of 1 year beginning with the date of the contractor's request to the Local Health Board, the contractor has—

- (a) warned that person of the risk of being removed from that list; and
 - (b) explained to that person the reasons for this.
- (4) The circumstances referred to in sub-paragraph (3) are that—
- (a) the reason for removal relates to a change of address,
 - (b) the contractor has reasonable grounds for believing that the giving of a warning under sub-paragraph (3)(a) would—
 - (i) be harmful to the person's physical or mental health, or
 - (ii) put at risk the safety of one or more of the persons specified in sub-paragraph (5), or
 - (c) the contractor considers that it is not otherwise reasonable or practicable for a warning to be given.

(5) The persons referred to in sub-paragraph (4) are—

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- (a) the contractor, where the contractor is an individual medical practitioner,
 - (b) in the case of a contract with two or more persons practising in partnership, a partner in that partnership,
 - (c) in the case of a contract with a company limited by shares, a person who is both a legal and beneficial owner of shares in that company,
 - (d) a member of the contractor's staff,
 - (e) a person engaged by the contractor to perform or assist in the performance of services under the contract, or
 - (f) any other person present—
 - (i) on the practice premises, or
 - (ii) in the place where services are being provided to the patient under the contract.
- (6) The contractor must keep a written record of—
- (a) the date of any warning given in accordance with sub-paragraph (3)(a) and the reasons for giving such a warning as explained to the person concerned, or
 - (b) the reason why no such warning was given.
- (7) The contractor must keep a written record of removal of any person from its list of patients under this paragraph which includes—
- (a) the reason for removal,
 - (b) the circumstances of the removal, and
 - (c) in cases where sub-paragraph (2) applies, the grounds for a more specific reason not being appropriate,
- and the contractor must make this record available to the Local Health Board on request.
- (8) The removal of a person from the contractor's list of patients must, subject to sub-paragraph (9), take effect from whichever is the earlier of—
- (a) the date on which the Local Health Board is given notice of the registration of that person with another provider of unified services (or their equivalent),
 - (b) the eighth day after the Local Health Board gives notice to the contractor of its approval of the removal, or
 - (c) the twenty-eighth day after the date on which the Local Health Board receives the notice from the contractor, if the Local Health Board has neither approved nor rejected the notice during that period.
- (9) Where, on the date on which the removal would take effect under sub-paragraph (8), the contractor is treating that person at intervals of less than 7 days, the contractor must give notice in writing to the Local Health Board of that fact and the removal takes effect on whichever is the earlier of—
- (a) the eighth day after the Local Health Board is given notice by the contractor that the person no longer needs such treatment, or
 - (b) the date on which the Local Health Board is given notice of the registration of the person with another provider of unified services (or their equivalent).
- (10) If a person is to be removed from the contractor's list of patients pursuant to sub-paragraphs (8) or (9), the Local Health Board must give notice in writing to—
- (a) the person in respect of whom the removal is approved, and
 - (b) the contractor,

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that the person's name has been or is to be removed from the contractor's list of patients on the date referred to in sub-paragraphs (8) or (9).

Commencement Information

I1 Sch. 3 para. 29 in force at 1.10.2023, see [reg. 1\(2\)](#)

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Changes and effects yet to be applied to :

- Sch. 3 para. 29 coming into force by [S.I. 2023/953 reg. 1\(2\)](#)
- Sch. 3 para. 29(10) word substituted by [S.I. 2023/1421 reg. 18\(e\)](#)
- Sch. 3 para. 29(3) words substituted by [S.I. 2023/1421 reg. 18\(d\)](#)

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\(c\)](#)