

SCHEDULE 3

Other contractual terms

PART 2

Patients

List of patients

22.—(1) The Local Health Board must prepare and keep up to date a list of the patients who have been—

- (a) accepted by the contractor for inclusion in the contractor’s list of patients under paragraphs 22 to 25 and who have not been subsequently removed from that list under paragraphs 28 to 36, and
- (b) assigned by the Local Health Board to the contractor’s list of patients under—
 - (i) paragraph 43(1)(a), or
 - (ii) paragraph 43(1)(b) (by virtue of a determination of the assessment panel under paragraph 45(7) which has not subsequently been overturned by a determination by the Welsh Ministers under paragraph 46 or by a court).

(2) The contractor must, upon receipt of a reasonable written request from the Local Health Board—

- (a) take appropriate steps (including contacting patients where reasonably necessary to confirm that their patient data is correct) as soon as is reasonably practicable, to correct and update patient data held on the practice’s computerised clinical systems, and where necessary register or deregister patients to ensure that the patient list is accurate, and
- (b) provide information relating to its list of patients to the Local Health Board as soon as is reasonably practicable and, in any event, no later than 30 days from the date on which the request was received by the contractor, in order to assist the Local Health Board in the exercise of its duties under sub-paragraph (1).

Commencement Information

II Sch. 3 para. 22 in force at 1.10.2023, see [reg. 1\(2\)](#)

Application for inclusion in a list of patients

23.—(1) Unless paragraph 26(1) applies, the contractor must, if the contractor’s list of patients is open, accept an application for inclusion in that list of patients made by or on behalf of any person whether or not resident in its practice area or included, at the time of that application, in the list of patients of another contractor or provider of primary medical services.

(2) If the contractor’s list of patients is closed, the contractor may only accept an application for inclusion in that list made by or on behalf of a person who is an immediate family member of a registered patient whether or not that person is resident in the contractor’s practice area or is

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included, at the time of that application, in the list of patients of another contractor or provider of primary medical services.

(3) Subject to sub-paragraph (4), an application for inclusion in a contractor's list of patients must be made by the applicant, or a person authorised by the applicant, submitting to the contractor an application form (including an electronic application form). The contractor must not make proof of identification or address a prerequisite for an applicant to be included in the contractor's list of patients (or make an application conditional upon the production of such proof of identification or address).

(4) An application may be made—

(a) where the patient is a child, on behalf of the patient by—

(i) either parent, or in the absence of both parents, the guardian or other adult who has care of the child,

(ii) a person duly authorised by a local authority to whose care the child has been committed under the Children Act 1989(1), or

(iii) a person duly authorised by a voluntary organisation by which the child is being accommodated under the provisions of the Children Act 1989, or

(b) where the patient is an adult who lacks capacity to make the application, or to authorise the application to be made on their behalf, by—

(i) a relative of that person,

(ii) the primary carer of that person,

(iii) a donee of a lasting power of attorney granted by that person, or

(iv) a deputy appointed for that person by the court under the provisions of the Mental Capacity Act 2005(2).

(5) Where a contractor accepts an application for inclusion in the contractor's list of patients, the contractor must give notice in writing to the Local Health Board of that acceptance as soon as practicable.

(6) The Local Health Board must, on receipt of a notice given under sub-paragraph (5)—

(a) include the applicant in the contractor's list of patients from the date on which the notice is received, and

(b) if it is the first time the applicant has been accepted as a registered patient by (or assigned by a Local Health Board to) a contractor or APMS contractor, give notice in writing of that acceptance to the applicant (or, in the case of a child or an adult who lacks capacity, the person making the application on their behalf).

Commencement Information

I2 Sch. 3 para. 23 in force at 1.10.2023, see [reg. 1\(2\)](#)

Inclusion in list of patients: armed forces personnel

24.—(1) Unless paragraph 26(1) applies, the contractor must, if its list of patients is open, include a person to whom sub-paragraph (2) applies in that list for a period of up to 2 years and paragraph 34(1)(b) does not apply in respect of any person who is included in the contractor's list of patients by virtue of this paragraph.

(1) 1989 c. 41

(2) 2005 c. 9.

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- (2) This sub-paragraph applies to a person who is—
- (a) a serving member of the armed forces of the Crown who has received written authorisation from Defence Medical Services to receive primary medical services from the contractor’s practice, and
 - (b) living or working within the contractor’s practice area during the period in respect of which that written authorisation is given.
- (3) Where the contractor has accepted a person to whom sub-paragraph (2) applies onto its list of patients, the contractor must—
- (a) obtain a copy of the patient’s medical record, or a summary of that record, from Defence Medical Services, and
 - (b) provide regular updates to Defence Medical Services, at such intervals as are agreed with Defence Medical Services, about any care and treatment which the contractor has provided to the patient.
- (4) At the end of the period of 2 years, or on such earlier date as the contractor’s responsibility for the patient has come to an end, the contractor must—
- (a) notify Defence Medical Services in writing that the contractor’s responsibility for the patient has come to an end, and
 - (b) update the patient’s medical record, or summary of that record, and return it to Defence Medical Services.

Commencement Information

I3 Sch. 3 para. 24 in force at 1.10.2023, see [reg. 1\(2\)](#)

Temporary residents

25.—(1) Unless paragraph 26(1) applies, the contractor must, if its list of patients is open, accept a person as a temporary resident if that the person is—

- (a) temporarily resident away from their normal place of residence and is not being provided with unified services (or their equivalent) under any other arrangement in the locality where that person is temporarily residing, or
- (b) moving from place to place and not for the time being resident in any place.

(2) For the purposes of sub-paragraph (1), a person is to be regarded as temporarily resident in a place if, when that person arrives in that place, they intend to stay there for more than 24 hours but not more than 12 weeks.

(3) Where a contractor wants to terminate its responsibility for a person accepted by it as a temporary resident before the end of—

- (a) 12 weeks, or
- (b) such shorter period for which the contractor agreed to accept that person as a temporary resident,

the contractor must give notice of that fact to the person either orally or in writing and the contractor’s responsibility for that person ceases 7 days after the date on which notice is given.

(4) Where the contractor’s responsibility for a person as a temporary resident comes to an end, the contractor must give notice in writing to the Local Health Board of its acceptance of that person as a temporary resident—

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- (a) at the end of the period of 12 weeks beginning with the date on which the contractor accepted that person as a temporary resident, or
- (b) if the contractor's responsibility for that person as a temporary resident came to an end earlier than at the end of the 12 week period referred to in paragraph (a), at the end of that period.

Commencement Information

14 Sch. 3 para. 25 in force at 1.10.2023, see [reg. 1\(2\)](#)

Refusal of applications for inclusion in the list of patients or early termination of responsibility for temporary residents

26.—(1) The contractor may only refuse an application made under paragraphs 23, 24 or 25 or terminate its responsibility for a person accepted by it as a temporary resident under paragraph 25(3) if it has reasonable grounds for doing so which do not relate to the applicant's race, social class, age, religion or belief, sexual orientation, appearance, gender or gender reassignment, marriage or civil partnership, pregnancy or maternity, disability or medical condition.

(2) The reasonable grounds referred to in sub-paragraph (1) may, in the case of applications made under paragraph 23, include the ground that the applicant does not live in the contractor's practice area.

(3) Where a contractor refuses an application made under paragraphs 23, 24 or 25 or terminates its responsibility for a person accepted by it as a temporary resident under paragraph 25(3), the contractor must give notice in writing of that refusal or termination and the reasons for it to the applicant (or, in the case of a child or an adult who lacks capacity, to the person who made the application on their behalf) before the end of the period of 14 days beginning with the date of its decision.

(4) The contractor must—

- (a) keep a written record of—
 - (i) the refusal of any application made under paragraphs 23, 24 or 25 or termination its responsibility for a person accepted by it as a temporary resident under paragraph 25(3), and
 - (ii) the reasons for that refusal or termination, and
- (b) make such records available to the Local Health Board on request.

Commencement Information

15 Sch. 3 para. 26 in force at 1.10.2023, see [reg. 1\(2\)](#)

Patient preference of practitioner

27.—(1) Where the contractor has accepted an application made under paragraphs 23, 24 or 25 for inclusion in its list of patients, the contractor must record in writing any preference expressed by that person (or, in the case of a child or an adult who lacks capacity, the person who made the application on the applicant's behalf) to receive services from a particular performer, either generally or in relation to a specific condition.

(2) The contractor must endeavour to comply with any reasonable preference expressed under sub-paragraph (1) but need not do so if the preferred performer—

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- (a) has reasonable grounds for refusing to provide services to the person who expressed the preference, or
- (b) does not routinely perform the service in question within the contractor's practice.

Commencement Information

16 Sch. 3 para. 27 in force at 1.10.2023, see [reg. 1\(2\)](#)

Removal from the list at the request of the patient

28.—(1) The contractor must notify the Local Health Board in writing of any request made by any person who is a registered patient to be removed from the contractor's list of patients.

(2) Where the Local Health Board—

- (a) receives notification from the contractor under sub-paragraph (1), or
- (b) receives directly a request from the person to be removed from the contractor's list of patients,

the Local Health Board must remove that person from the contractor's list of patients.

(3) The removal of a person from a contractor's list of patients in accordance with sub-paragraph (2) is to take effect on 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), or
- (b) 14 days after the date on which the notice given under sub-paragraph (1) or the request made under sub-paragraph (2) is received by the Local Health Board.

(4) The Local Health Board must, as soon as practicable, give notice in writing to—

- (a) the person who requested the removal, and
- (b) the contractor,

that the person's name is to be, or has been, removed from the contractor's list of patients on the date referred to in sub-paragraph (3).

(5) In this paragraph and in paragraphs 29(1)(b) and (10), 30(5) and (6), 32 and 35, a reference to a request received from or advice, information or notice required to be given to, a person must include a request received from or advice, information or notice required to be given to—

- (a) in the case of a child—
 - (i) either parent, or in the absence of both parents, the guardian or other adult who has care of the child,
 - (ii) a person duly authorised by a local authority to whose care the child has been committed under the Children Act 1989, or
 - (iii) a person duly authorised by a voluntary organisation by which the child is being accommodated under the Children Act 1989, or
- (b) in the case of an adult patient who lacks capacity to make the relevant request or receive the relevant advice, information or notice—
 - (i) a relative of that person,
 - (ii) the primary carer of that person,
 - (iii) a donee of a lasting power of attorney granted by that person, or
 - (iv) a deputy appointed for that person by the court under the Mental Capacity Act 2005.

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Commencement Information

17 Sch. 3 para. 28 in force at 1.10.2023, see [reg. 1\(2\)](#)

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—
- (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

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- (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,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

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

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Removals from the list of patients who are violent

30.—(1) Where a contractor wants a person to be removed from its list of patients on the grounds that—

- (a) the person has committed an act of violence against any of the persons specified in sub-paragraph (2) or has behaved in such a way that any of those persons has feared for their safety, and
- (b) the contractor has reported the incident to the police,

the contractor must give notice to the Local Health Board in accordance with sub-paragraph (3) requesting that the person be removed from its list of patients.

(2) The persons specified in this sub-paragraph are—

- (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 the 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 contractor’s practice premises, or
 - (ii) in the place where services were provided to the person under the contract.

(3) Notification under sub-paragraph (1) must be in writing and include the crime reference number allocated to the incident by the police.

(4) A removal requested in accordance with sub-paragraph (1) takes 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 day after the day on which the Local Health Board gives notice to the contractor of its approval of the removal, or
- (c) the seventh 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 within that period.

(5) Where, pursuant to this paragraph, the contractor has given notice to the Local Health Board that it wants to have a patient removed from its list of patients and that request has taken effect under sub-paragraph (4), the contractor must inform that person of that fact unless—

- (a) it is not reasonably practicable for the contractor to do so, or
- (b) the contractor has reasonable grounds for believing that to do so would—
 - (i) be harmful to that person’s physical or mental health, or
 - (ii) put the safety of any person specified in sub-paragraph (2) at risk.

(6) Where a person is removed from the contractor’s list of patients under this paragraph, the Local Health Board must give that person notice in writing of that removal.

(7) The contractor must record the removal of any person from its list of patients under this paragraph and the circumstances leading to that removal in the medical records of the person removed.

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Commencement Information

I9 Sch. 3 para. 30 in force at 1.10.2023, see [reg. 1\(2\)](#)

Removal from lists if patients registered elsewhere

31.—(1) The Local Health Board must remove a person from the contractor’s list of patients if—

- (a) the person has subsequently been registered with another provider of unified services (or their equivalent) in the area of the Local Health Board, or
- (b) it has received notice from another Local Health Board, NHS England, a Health Board or a Health and Social Care Trust that the patient has subsequently been registered with a provider of unified services (or their equivalent) outside the area of the Local Health Board.

(2) A removal in accordance with sub-paragraph (1) is to take effect—

- (a) on the date on which the Local Health Board is given notice of the person’s registration with the new provider, or
- (b) with the consent of the Local Health Board, on such other date as has been agreed between the contractor and the new provider.

(3) The Local Health Board must give notice in writing to the contractor of any person removed from its list of patients under sub-paragraph (1).

Commencement Information

I10 Sch. 3 para. 31 in force at 1.10.2023, see [reg. 1\(2\)](#)

Removal from the list of patients who have moved

32.—(1) Subject to sub-paragraph (2), where the Local Health Board is satisfied, or is notified by the contractor, that a person on the contractor’s list of patients has moved and no longer resides in that contractor’s practice area, the Local Health Board must—

- (a) inform both the person and the contractor that the contractor is no longer obliged to visit and treat the person,
- (b) advise the person in writing to either obtain the contractor’s agreement to that person’s continued inclusion on the contractor’s list of patients or to apply for registration with another provider of unified services (or their equivalent), and
- (c) inform the person that if, after the period of 30 days beginning with the date on which the advice mentioned in paragraph (b) was given, that person has not acted in accordance with that advice and informed the Local Health Board accordingly, that person is to be removed from the contractor’s list of patients.

(2) If, at the end of the period of 30 days mentioned in sub-paragraph (1)(c), the Local Health Board has not been informed by the person of the action taken, the Local Health Board must remove that person from the contractor’s list of patients and inform that person and the contractor of that removal.

Commencement Information

I11 Sch. 3 para. 32 in force at 1.10.2023, see [reg. 1\(2\)](#)

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Removal from the list of patients whose address is unknown

33. Where the address of a person who is on the contractor's list of patients is no longer known to the Local Health Board and the Local Health Board reasonably believes this is not due to the patient being unable to provide proof of their address the Local Health Board may—

- (a) give notice in writing to the contractor that it intends, at the end of the period of 6 months beginning with the date on which the notice was given, to remove the person from the contractor's list of patients, and
- (b) at the end of the period referred to in sub-paragraph (a), remove the person from the contractor's list of patients unless, before the end of that period, the contractor satisfies the Local Health Board that the person is a patient to whom it is still responsible for providing unified services.

Commencement Information

I12 Sch. 3 para. 33 in force at 1.10.2023, see [reg. 1\(2\)](#)

Removal from the list of patients absent from the United Kingdom etc.

34.—(1) The Local Health Board must remove a person from a contractor's list of patients where it receives notice to the effect that the person—

- (a) intends to be away from the United Kingdom for a period of at least 12 weeks,
- (b) is in the armed forces of the Crown (except in the case of a patient to which paragraph 24 applies),
- (c) is serving a term of imprisonment of more than 2 years or more than one term of imprisonment totalling, in the aggregate more than 2 years,
- (d) has been absent from the United Kingdom for a period of more than 12 weeks, or
- (e) has died.

(2) The removal of a person from a contractor's list of patients under this paragraph takes effect from—

- (a) where sub-paragraph (1)(a) to (c) applies, whichever is the latest of—
 - (i) the date of the person's departure, enlistment or imprisonment, or
 - (ii) the date on which the Local Health Board first receives notice of the person's departure, enlistment or imprisonment, or
- (b) where sub-paragraph (1)(d) and (e) applies, the date on which the Local Health Board is given notice of the person's absence or death.

(3) The Local Health Board must give notice in writing to the contractor of the removal of any person from the contractor's list of patients under this paragraph.

Commencement Information

I13 Sch. 3 para. 34 in force at 1.10.2023, see [reg. 1\(2\)](#)

Removal from the list of patients accepted elsewhere as temporary residents

35.—(1) The Local Health Board must remove a person from the contractor's list of patients where the person has been accepted as a temporary resident by another contractor or other provider

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of unified services (or their equivalent) where the Local Health Board is satisfied, after due inquiry that—

- (a) the person’s stay in the place of temporary residence has exceeded 12 weeks, and
 - (b) the person has not returned to their normal place of residence or to any other place within the contractor’s practice area.
- (2) The Local Health Board must give notice in writing of the removal of a person from a contractor’s list of patients under this paragraph—
- (a) to the contractor, and
 - (b) where practicable, to that person.
- (3) A notice given under sub-paragraph (2)(b) must inform the person of—
- (a) that person’s entitlement to make arrangements for the provision to that person of unified services (or their equivalent), including by the contractor by which that person has been treated as a temporary resident; and
 - (b) the name, postal and electronic mail address and telephone number of the Local Health Board.

Commencement Information

I14 Sch. 3 para. 35 in force at 1.10.2023, see [reg. 1\(2\)](#)

Removal from the list of pupils etc. of a school

36.—(1) Where the contractor provides unified services under the contract to persons on the grounds that they are pupils at, or staff or residents of, a school, the Local Health Board must remove any person from a contractor’s list of patients who does not appear on the particulars provided by that school of persons who are pupils at, or staff or residents of, that school.

(2) Where the Local Health Board has requested a school to provide the particulars referred to in sub-paragraph (1) and has not received those particulars, the Local Health Board must consult the contractor as to whether it should remove from the contractor’s list of patients any persons appearing in that list as pupils at, or staff or residents of, that school.

(3) The Local Health Board must give notice in writing to the contractor of the removal of any person from the contractor’s list of patients under this paragraph.

Commencement Information

I15 Sch. 3 para. 36 in force at 1.10.2023, see [reg. 1\(2\)](#)

Termination of responsibility for patients not registered with the contractor

37.—(1) Where the contractor has—

- (a) received an application for the provision of medical services other than unified services—
 - (i) from a person who is not included (and who is not applying to be included) in the contractor’s list of patients,
 - (ii) from a person that the contractor has not accepted as a temporary resident, or
 - (iii) made on behalf of a person referred to in sub-paragraph (i) or (ii), by a person specified in paragraph [23\(4\)](#), and

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(b) accepted the person making the application or on whose behalf the application is made as a patient for the provision of the service in question, the contractor’s responsibility for that person terminates in the circumstances described in sub-paragraph (2).

(2) The circumstances described in this sub-paragraph are that—

(a) the contractor is informed that the person no longer wishes the contractor to be responsible for the provision of the service in question, or

(b) it comes to the contractor’s attention that the person—

(i) no longer resides in the area for which the contractor has agreed to provide the service in question, or

(ii) is no longer included in the list of patients of another contractor to whose registered patients the contractor has agreed to provide that service.

(3) The contractor must keep a written record of terminations under this paragraph and of the reasons for those terminations and must make this record available to the Local Health Board on request.

Commencement Information

I16 Sch. 3 para. 37 in force at 1.10.2023, see [reg. 1\(2\)](#)

Status:

This version of this part contains provisions that are 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.

[View outstanding changes](#)

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\(c\)](#)