WELSH STATUTORY INSTRUMENTS

2008 No. 1425 (W.147)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Primary Medical Services) and (Performers Lists) (Miscellaneous Amendments) (Wales) Regulations 2008

Made - - - -	*3 June 2008*
Laid before the National Assembly for Wales - -	*4 June 2008*
Coming into force - -	*1 July 2008*

The Welsh Ministers, in exercise of the powers conferred by sections 47, 49, 63 and 203(9) and (10) of the National Health Service (Wales) Act 2006(**1**) hereby make the following Regulations:

PART 1

General

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the National Health Service (Primary Medical Services) and (Performers Lists) (Miscellaneous Amendments) (Wales) Regulations 2008.

(2) These Regulations come into force on 1 July 2008.

(3) These Regulations apply in relation to Wales.

(4) In these Regulations—

"the GMS Contracts Regulations" ("*y Rheoliadau Contractau GMC*") means the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004(**2**); and

"the Performers Lists Regulations" ("*y Rheoliadau Rhestri Cyflawnwyr*") means the National Health Service (Performers Lists) (Wales) Regulations 2004(**3**).

(**1**) 2006 c. 42.
(**2**) S.I.2004/478 (W.48).
(**3**) S.I. 2004/1020 (W.117).

PART 2

Amendment of the GMS Contracts Regulations

Amendment of regulation 2 of the GMS Contracts Regulations

2. In the definition of "CCT", omit the words ", including any such certificate awarded in pursuance of the competent authority functions of the Postgraduate Medical Education and Training Board specified in article 20(3)(a) of that Order".

Amendment of regulation 5 of the GMS Contracts Regulations

3. In regulation 5 (general condition relating to all contracts) of the GMS Contracts Regulations, in paragraph (2)(i)(ii), after "Insolvency Act 1986" insert "or Schedule 2A to the Insolvency (Northern Ireland) Order 1989"(**4**).

Amendment of Schedule 6 to the GMS Contracts Regulations

4. In Schedule 6 (other contractual terms) to the GMS Contracts Regulations—

(a) in paragraph 15 (application for inclusion in a list of patients)—

(i) for sub-paragraph (4)(b), substitute—

"(b) on behalf of any adult who lacks the capacity to make such an application, or to authorise such an application to be made on their behalf, by a relative of that person, the primary carer of that person, a donee of a lasting power of attorney granted by that person or a deputy appointed for that person by the court under the provisions of the Mental Capacity Act 2005(**5**).", and

(ii) in sub-paragraph (6)(b), for "incapable adult", substitute "an adult who lacks capacity";

(b) in paragraph 17(3) (which relates to the refusal of applications for inclusion in the list of patients or for acceptance as a temporary resident), for "incapable adult", substitute "an adult who lacks capacity";

(c) in paragraph 18(1)(a) (which relates to patient preference of practitioner), for "incapable adult", substitute "an adult who lacks capacity";

(d) for paragraph 19(5)(b) (which relates to removal from the list at the request of the patient), substitute—

"(b) in the case of an adult patient who lacks the capacity to make the relevant request or receive the relevant advice, information or notification, a relative of that person, the primary carer of that person, a donee of a lasting power of attorney granted by that person or a deputy appointed for that person by the court under the provisions of the Mental Capacity Act 2005.";

(e) in paragraph 52 (qualifications of performers)—

(i) in sub-paragraph (2)(b), omit the final "or",

(ii) in sub-paragraph (2)(c)(ii) for "two" substitute "three",—

(iii) after sub-paragraph (2)(c), add the following—

(**4**) S.I. 1989/2405 (N.I. 19)
(**5**) 2005 c. 9.

"(d) a medical practitioner who is already included in the medical performers list of another primary care organisation and who has submitted an application to a Local Health Board in accordance with regulation 4A of the National Health Service (Performers Lists) (Wales) Regulations 2004 until the first of the following events arises—

(i) the Local Health Board notifies him or her of its decision on that application; or

(ii) the end of a period of three months, starting with the date on which the application was submitted; or

(e) a medical practitioner, who—

(i) is not a GP Registrar;

(ii) is undertaking a programme of post-registration supervised clinical practice supervised by the Postgraduate Medical Education and Training Board ("a post-registration programme");

(iii) has notified the Local Health Board that he or she will be undertaking part or all of a post-registration programme in its area at least 24 hours before commencing any part of that programme taking place in the Local Health Board's area; and

(iv) has, with that notification, provided the Local Health Board with evidence sufficient for it to satisfy itself that he or she is undergoing a post-registration programme,

but only in so far as any medical services that the medical practitioner performs constitute part of a post-registration programme.", and

(iv) in sub-paragraph (3) after "regulation 21(2)" insert "and "primary care organisation" has the meaning given in regulation 2" ;

(f) in paragraph 56 (conditions for training and employment)—

(i) in sub-paragraph (1) for "(2) and (3)" substitute "(2) to (4)",

(ii) in sub-paragraph (3)(b) for "two" substitute "three",

(iii) after sub-paragraph (3) insert the following—

"(4) Where the prospective employee is a medical practitioner who is already included in the medical performers list of another primary care organisation and who has submitted an application to the Local Health Board in accordance with regulation 4A of the National Health Service (Performers Lists) (Wales) Regulations 2004, the requirements set out in sub-paragraph (1) shall apply with the modifications that—

(a) the name and address provided under sub-paragraph (1) may be the name and address of the Local Health Board on whose list the medical practitioner has applied for inclusion, provided that the name and address of the primary care organisation on whose list the medical practitioner is already included is provided in addition; and

(b) confirmation that the medical practitioner's name appears on that list shall not be required until the first of the following events arises—

(i) the Local Health Board notifies the medical practitioner of its decision on that application, or

(ii) the end of a period of three months, starting with the date on which the Local Health Board receives the application.