WELSH STATUTORY INSTRUMENTS

2004 No. 1825 (W.201)

NATIONAL HEALTH SERVICE, WALES

The General Medical Services (Transitional Measure Relating to Non-Clinical Partners) (Wales) Order 2004

Made - - - -	*14 July 2004*
Coming into force - -	*19 July 2004*

The National Assembly for Wales, in exercise of the powers conferred upon it by section 200 of the Health and Social Care (Community Health and Standards) Act 2003(**1**), hereby makes the following Order:

Citation, commencement, application and interpretation

1.—(1) This Order may be cited as the General Medical Services (Transitional Measure Relating to Non-Clinical Partners) (Wales) Order 2004 and shall come into force on 19 July 2004.

(2) This Order applies in relation to Wales only.

(3) In this Order —

"the 1977 Act" ("*Deddf 1977*") means the National Health Service Act 1977(**2**);

"health care professional" ("*proffesiynolyn gofal iechyd*") means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002(**3**);

"non-clinical partner" ("*partner anghlinigol*") means a partner in a partnership who is neither a registered medical practitioner nor a health care professional;

"relevant non-clinical partner" ("*partner anghlinigol perthnasol*") shall be construed in accordance with article 2; and

"sole practitioner" ("*ymarferydd unigol*") means a registered medical practitioner who, prior to 1st April 2004, provided services under section 29 of the 1977 Act(**4**) (arrangements and

(**1**) 2003 c. 43.
(**2**) 1977 c. 49.
(**3**) 2002 c. 17.
(**4**) 1977 c. 49. Section 29 was repealed on 1st April 2004 but before that repeal it had been amended by: the Health Services Act 1980 (c. 53), section 7; the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 6, paragraph 2; the Medical Act 1983 (c. 54), Schedule 5, paragraph 16(a); S.I. 1985, article 7; the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 18; the Medical (Professional Performance) Act 1995 (c. 51), the Schedule, paragraph 28; the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, paragraphs 8 and 71, and Schedule 3, Part I; the Health and Social Care Act 2001 (c. 15), section 23, and Schedule 6, Part 1; and the National Health Service Reform and Health Care Professions Act 2002 (c. 17), Schedule 2, paragraph 3, and Schedule 8, paragraph 2.

regulations for general medical services) but not as part of an association of registered medical practitioners who, as a group practice, co-ordinated their respective obligations to provide services under the said section 29.

Relevant non-clinical partners

2. Where —

(a) a Local Health Board enters or has entered into a general medical services contract with a registered medical practitioner as one of two or more individuals practising in partnership;

(b) on 31st March 2004, that registered medical practitioner was carrying on a business, in the course of which he or she provided services under section 29 of the 1977 Act (arrangements and regulations for general medical services) —

(i) in partnership with an individual who was, or with two or more individuals one of whom was, a non-clinical partner,

(ii) in partnership with one or more other registered medical practitioners or other individuals, and that partnership employed a person who is or will become a non-clinical partner in the partnership that enters or has entered into that general medical services contract; or

(iii) as a sole practitioner and he or she employed a person who is or will become a non-clinical partner in the partnership that enters or has entered into that general medical services contract; and

(c) on the date on which the Local Health Board enters or entered into that general medical services contract —

(i) the non-clinical partner mentioned in paragraph (b)(i), or

(ii) the person mentioned in paragraph (b)(ii) or (b)(iii),

is or was a partner in the partnership that enters or has entered into that general medical services contract,

that partner in the partnership, as mentioned in sub-paragraph (c), is, for the purposes of article 3, a "relevant non-clinical partner".

Relevant non-clinical partners who, before this Order came into force, were partners in partnerships that entered into General Medical Services contracts that took effect for payment purposes on 1st April 2004

3.—(1) Where —

(a) before this Order came into force, a relevant non-clinical partner was a partner in a partnership that entered into a general medical services contract that took effect for payment purposes on 1st April 2004; and

(b) apart from the relevant non-clinical partner, every partner in that partnership was an individual falling within section 28S(2)(a) or (b) of the 1977 Act at the time at which the partnership entered into the general medical services contract,

paragraph (2) applies.

(2) In the circumstances set out in paragraph (1), from the date this Order comes into force —

(a) the general medical services contract referred to in that paragraph shall be treated as a contract entered into by a partnership comprising only individuals falling within section 28S(2)(a) or (b) of the 1977 Act; and

(b) the relevant non-clinical partner referred to in that paragraph shall, if on the date this Order comes into force he or she is still a partner in a partnership that has entered into a general