
DIRECTIONS

NATIONAL HEALTH SERVICE, ENGLAND

The General Medical Services Statement of Financial Entitlements (Payment in Respect of Indemnity Fees) Direction 2019

The Secretary of State for Health and Social Care gives the following Direction as to payments to be made under general medical services contracts in exercise of the powers conferred by sections 87 and 272(7) and (8) of the National Health Service Act 2006(a).

The Secretary of State for Health and Social Care has consulted in relation to this Direction in accordance with section 87(4) of the National Health Service Act 2006.

Citation and commencement

1. This Direction may be cited as the General Medical Services Statement of Financial Entitlements (Payment in Respect of Indemnity Fees) Direction 2019 and comes into force on the day after the day on which it is signed.

Direction in relation to payments in respect of indemnity fees

2.—(1) Before 30th June 2019 the Board(b) must pay, or ensure that payment is made, to each contractor(c) a sum in pounds calculated as follows—

$$1.005xN$$

where *N* is the number of patients(d) registered with the contractor's practice on 1st February 2019.

(2) The Board must—

- (a) ensure that payments made under sub-paragraph (1) are made subject to the condition in sub-paragraph (3); and
- (b) take steps to ensure that contractors comply with that condition.

(3) The condition is that if a GP performer ("P") has paid for part or all of the cost of any professional indemnity cover personally, the contractor must, from the payment received from the Board under sub-paragraph (1), reimburse to P an amount which represents an appropriate proportion of the amount which P has paid personally for his or her professional indemnity cover,

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- (a) 2006 (c.41). Section 87 of the National Health Service Act 2006 ("the 2006 Act") was amended by section 55 of, and Schedule 4 to, the Health and Social Care Act 2012 (c.7) ("the 2012 Act"). See sections 84(2) and 276 of the 2006 Act for the meaning of "general medical services contract". By virtue of section 271(1) of the 2006 Act, the powers conferred by these sections are exercisable by the Secretary of State only in relation to England.
 - (b) For the meaning of "the Board" see sections 1H and 275(1) of the 2006 Act. Section 1H was inserted by section 9 of the 2012 Act. Section 275(1) was amended by section 55 of, and Schedule 4 to, the 2012 Act. There are other amendments to section 275(1), but these are not relevant to this Direction. The Board (the National Health Service Commissioning Board) is also known as "NHS England".
 - (c) For the meaning of "contractor" see section 84(5) of the 2006 Act. Section 84 was amended by section 55 of, and Schedule 4 to, the 2012 Act.
 - (d) For the meaning of "patient" see section 275(1) of the 2006 Act.

taking into account the proportion of that amount which relates to primary medical services^(a) that P provides for the contractor.

(4) In sub-paragraph (3), “GP performer” means a medical practitioner^(b)—

- (a) whose name is included in the General Practitioner Register kept by the General Medical Council under section 2 of the Medical Act 1983 (registration of medical practitioners)^(c);
- (b) whose name is included in the medical performers list which is prepared, maintained and published by the Board in accordance with regulation 3(1)(a) of the National Health Service (Performers Lists) (England) Regulations 2013^(d); and
- (c) who performs primary medical services under a general medical services contract, and who is—
 - (i) a contractor who is a sole practitioner;
 - (ii) an employee of a contractor;
 - (iii) a party to the general medical services contract; or
 - (iv) a partner in a partnership or a shareholder in a company limited by shares and that partnership or that company is the contractor.

Revocation

3. The General Medical Services Statement of Financial Entitlements (Payment in Respect of Indemnity Fees) Direction 2018 which was signed on 29th March 2018 is revoked.

Signed by authority of the Secretary of State for Health and Social Care.



Date 29 March 2019

Edward Scully
Member of the Senior Civil Service
Department of Health and Social Care

(a) See sections 83 and 276 of the 2006 Act for the meaning of “primary medical services”. Section 83 was amended by section 55 of, and Schedule 4 to, the 2012 Act. There are amendments to section 276, but these are not relevant to this Direction.
(b) For the meaning of “medical practitioner” see section 275(1) of the 2006 Act.
(c) 1983 c.54. Section 2 was amended by S.I. 1996/1591, 2002/3135, 2006/1914, 2007/3101, 2008/1774 and 2014/1101.
(d) S.I. 2013/335.