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## DIRECTIONS

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### NATIONAL HEALTH SERVICE, ENGLAND

#### The National Health Service Commissioning Board (Primary Medical Services) (Assignment of Patients) Directions 2013

The Secretary of State for Health, in exercise of the powers conferred by sections 98A, 272(7) and (8) and 273(1) of the National Health Service Act 2006(a), gives the following Directions.

#### Citation, commencement and application

1.—(1) These Directions may be cited as the National Health Service Commissioning Board (Primary Medical Services) (Assignment of Patients) Directions 2013 and come into force on 1st April 2013.

(2) These Directions are given to the Board.

#### Interpretation

2. In these Directions—

“the 2012 Act” means the Health and Social Care Act 2012;

“the 2006 Act” means the National Health Service Act 2006;

“the Board” means the National Health Service Commissioning Board(b);

“APMS contractor” means a person with whom the Board has entered into a contractual arrangement for the provision of primary medical services under section 83(2) of the 2006 Act(c) or the Board becomes a party to such arrangements as a consequence of a property transfer scheme made under section 300 of the 2012 Act;

“essential services” means the services of the type which are described in regulation 15(3), (5), (6) and (8) of the GMS Contracts Regulations;

“GMS contractor” means a person with whom the Board has entered into a general medical services contract in accordance with section 84 of the 2006 Act(d) or to which the Board becomes a party as a consequence of a property transfer scheme made under section 300 of the 2012 Act;

“GMS Contracts Regulations” means the National Health Service (General Medical Services Contracts) Regulations 2004(e);

“list of patients” means the list of the patients prepared and kept up to date by the Board in accordance with—

(a) paragraph 14 of Schedule 6 to the GMS Contracts Regulations;

(b) paragraph 13 of Schedule 5 to the PMS Agreements Regulations; or

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(a) 2006 c.41. By virtue of section 271(1) of the Act, the powers exercised in making these Directions are exercisable by the Secretary of State only in relation to England. Section 98A is inserted by section 49 of the 2012 Act.

(b) The National Health Service Commissioning Board is established by section 1H of the 2006 Act. Section 1H is inserted by section 9 of the 2012 Act.

(c) Section 83 is amended by section 55(1) of, and paragraph 30 of Schedule 4 to, the 2012 Act.

(d) Section 84 is amended by section 55(1) of, and paragraph 31 of Schedule 4 to, the 2012 Act.

(e) S.I. 2004/291; relevant amendments are S.I. 2007/3491, 2010/578, 2012/970 and 2013/363.

(c) directions made under section 98A of the 2006 Act relating to the contractual arrangements made under section 83(2) of that Act;

“PMS Agreements Regulations” means the National Health Service (Personal Medical Services Agreements) Regulations 2004(a); and

“PMS contractor” means a person with whom the Board has entered into section 92 arrangements(b) which require the provision of primary medical services or the Board becomes a party to such arrangements as a consequence of a property transfer scheme made under section 300 of the 2012 Act.

### Assignment of patients

3.—(1) Where the Board receives an application in writing from a person who meets the requirements in paragraph (2) for assignment to a provider of essential services it must, as soon as reasonably practicable, assign the patient to—

- (a) a GMS contractor in accordance with paragraphs 32 to 37 of Schedule 6 to the GMS Contracts Regulations;
- (b) a PMS contractor in accordance with paragraphs 31 to 36 of Schedule 5 to the PMS Agreements Regulations; or
- (c) an APMS contractor in accordance with directions made under section 98A of the 2006 Act relating to the contractual arrangements made under section 83(2) of that Act.

(2) The requirements referred to in paragraph (1) are that the person—

- (a) is not registered for the provision of essential services and has had refused an application for inclusion in the list of patients of a GMS contractor, a PMS contractor or an APMS contractor;
- (b) is registered for the provision of essential services and that person wishes to change their provider of essential services and has had refused an application for inclusion in the list of patients of a GMS contractor, a PMS contractor or an APMS contractor; or
- (c) has applied to a GMS contractor or, an APMS contractor or PMS contractor who provides essential services, to be accepted as a temporary resident and that application has been refused.

### Revocation

4. The Directions to Primary Care Trusts in relation to their functions relating to primary medical services(c) are revoked.

Signed by authority of the Secretary of State for Health



A member of the Senior Civil Service  
Department of Health

Date 27<sup>th</sup> March 2013

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(a) S.I. 2004/627. Relevant amendments are made by S.I. 2007/3491, 2010/578 and 2012/970 and 2013/363.  
(b) Section 92 is amended by section 55(1) of, and paragraph 36 of Schedule 4 to, the 2012 Act. *See also* section 92(8) of the 2006 Act.  
(c) These Directions were signed on 16th April 2004.