
DIRECTIONS

NATIONAL HEALTH SERVICE, ENGLAND

The Alternative Provider Medical Services (Amendment) (No. 2) Directions 2023

The Secretary of State for Health and Social Care, in exercise of the powers conferred by sections 98A(3), 272(7) and (8) of the National Health Service Act 2006 (a), gives the following Directions.

Citation and commencement

1.—(1) These Directions may be cited as the Alternative Provider Medical Services (Amendment) (No. 2) Directions 2023, and come into force on 15 May 2023, immediately after the National Health Service (General Medical Services Contracts and Personal Medical Services Agreements) (Amendment) (No. 2) Regulations 2023 (b) come into force.

(2) These Directions are given to NHS England (c).

Amendment of the Alternative Provider Medical Services Directions 2022

2.—(1) The Alternative Provider Medical Services Directions 2022 (d) are amended as follows.

(2) In direction 7AA (disclosure of information about NHS earnings: jobholders)—

(a) in paragraph (10), for the words from “to include the term” to the end of that paragraph substitute—

“—

(a) to include the term specified in paragraph (6) in any contract of engagement which T enters into with a jobholder on or after entering into the contract with the APMS contractor;

(b) to use reasonable endeavours to include that term in any contract of engagement which T has entered into prior to entering into the contract with the APMS contractor.”.

(b) in paragraph (11)—

(i) in sub-paragraph (a), for the words from “to include the term” to the end substitute—

“—

(i) to include the term specified in paragraph (6) in any contract of engagement which T enters into with a jobholder on or after entering into the contract with S;

(a) 2006 c.41. Section 98A of the National Health Service Act 2006 (“the Act”) was inserted by section 49(1) of the Health and Social Care Act 2012 (c.7) (“the 2012 Act”). The powers conferred by these sections are exercisable by the Secretary of State only in relation to England, by virtue of section 271(1) of the Act.

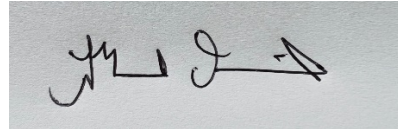
(b) SI 2023/449.

(c) NHS England (formerly known as the National Health Service Commissioning Board) was established by section 1H of the Act. Section 1H was inserted into the Act by section 9(1) of the 2012 Act. The National Health Service Commissioning Board was renamed “NHS England” by section 1 of the Health and Care Act 2022 (c.31).

(d) The Alternative Provider Medical Services Directions 2022 were signed on 29th September 2022 and amended by the Alternative Provider Medical Services Directions (Amendment) 2023 signed on 10th March 2023. Hard copies are available from the Department of Health and Social Care, GP Policy Team, 39 Victoria Street, London SW1H 0EU.

- (ii) to use reasonable endeavours to include that term in any contract of engagement which T has entered into prior to entering into the contract with S;”;
- (ii) in sub-paragraph (b), after “requiring P to” insert “use reasonable endeavours to”;
- (c) for paragraph (12) substitute—
 - “(12) The term is one which requires T—
 - (a) to include the term specified in paragraph (6) in any contract of engagement which T enters into with a jobholder on or after entering into the contract with P;
 - (b) to use reasonable endeavours to include that term in any contract of engagement which T has entered into prior to entering into the contract with P.”.
- (3) In direction 14 (mandatory terms of an APMS contract under which essential services are to be provided), in paragraph (1)—
 - (a) after sub-paragraph (gc) insert—
 - “(gca) regulation 64B (patient access: other availability of directly bookable appointments);”;
 - (b) after sub-paragraph (i) insert—
 - “(ia) Schedule 2, paragraph 3A (new telephone contract or arrangements);”;
 - (c) for sub-paragraph (j) substitute—
 - “(j) Schedule 2, paragraph 5 (contact with the practice);”.

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



Mark Joannides
Member of the Senior Civil Service
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28th March 2023