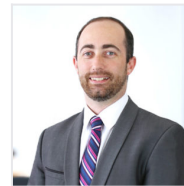




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# GP retirement: A few things to consider



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It was hard to miss the British Medical Association's recent report that nearly a third of GPs are considering retirement within the next 5 years.

If you are one of those GPs, or are in a partnership which this is likely to impact, it is important to be aware that a GP retiring from practice is not simply a case of switching off the lights at the end of the last day!

The timing of your retirement and periods of notice to give are crucial, especially where others are thinking of retiring around the same time. A decision to retire also involves consideration of the continuation or closure of the practice. This will require input from NHS England and the NHS Pension Agency and may also need the involvement of the CQC. In addition, issues over the premises (whether leased or owner-occupied) must be considered. Importantly, if your name is on the property title deeds and on financial instruments, such as a mortgage, you will need to arrange your release from these arrangements.

There are also a number of practical matters to address including formally advising patients and suppliers of your departure, ensuring your website, headed paper and any signage containing your name is updated, and liaising with your Bank and HMRC (via your accountants) regarding your retirement.

As is well known, the sale or purchase of "goodwill" in practices is unlawful. However, ensuring that retiring partners receive the correct value of any share in the premises and other capital of the partnership is important.

If you are unsure about the steps required to retire, a good starting point is always to look at your partnership agreement. Careful note should be taken of anything written here, as breaching these steps could lead to disputes. If a practice does not have an up-to-date partnership agreement in place, consideration should be given to the need for a retirement agreement, or deed, setting out the process that will be followed.

Even if there aren't any retirements on the immediate horizon, if you do not have a partnership agreement, it is highly recommended to prepare one. This will address the risk of the partnership being automatically dissolved on retirement (which would arise if there was a partnership-at-will in existence, with no formal partnership agreement in place). A partnership agreement is also important so that you can establish an effective mechanism of valuing and being paid out on your share from the partnership, especially where more than one of you is hoping to leave within a short period of time.

If you are a single-handed General Practitioner, you will need either to arrange for a new GP to replace you, merge with another practice, or take steps to close down.

Even if a partner's full retirement is not in prospect, but individuals are thinking about the option of "24 hours' retirement", the manner and process for approving the taking of such a step should be recorded appropriately in your partnership agreement. This is especially important for PMS practices, where a partner taking 24 hours' retirement is named on the NHS contract. This process is not without difficulty.

If you would like advice on any aspects of retiring from a partnership or as a single-handed GP, please contact Susan Cowan for specialist advice.