STATUTORY RULES OF NORTHERN IRELAND

2010 No. 376

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Primary Medical Services Performers Lists) (Amendment) Regulations (Northern Ireland) 2010

Made - - - - 15th November 2010

Coming into operation- 7th December 2010

The Department of Health, Social Services and Public Safety(**1**) makes the following Regulations in exercise of the powers conferred on it by Articles 57(G), 106(b) and 107(6) of, and paragraph 1(8)(a) of Schedule 11 to, the Health and Personal Social Services (Northern Ireland) Order 1972(**2**) and in conjunction with the Department of Finance and Personnel.

Citation and commencement

1. These Regulations may be cited as the Health and Personal Social Services (Primary Medical Services Performers Lists) Regulations (Northern Ireland) 2010 and shall come into operation on 7th December 2010.

Interpretation

2. In these Regulations "the principal Regulations" means the Health and Personal Social Services (Primary Medical Services Performers Lists) Regulations (Northern Ireland) 2004(**3**)

3. In regulation 2 of the principal Regulations (Interpretation)—

(a) after the definition of "disqualification" insert—

""emergency registered practitioner" means a medical practitioner—

(a) who is registered as a registered medical practitioner pursuant to section 18A of the Medical Act(**4**) (temporary registration with regard to emergencies involving loss of human life or human illness etc.);

(**1**) See S.I. 1999/283 (N.I. 1) Article 3(6)

(**2**) S.I. 1972/1265 (N.I.14) Article 57G was inserted by S.I. 2004/311 (N.I.2)) and amended by 2008 c.2 (N.I.) –section 1. Schedule 11 was substituted by 2001 c.3 (N. I.)Schedule 2 and amended by S.I. 2004/311 (N.I. 12) Article 8(3) and 2008 c.2 (N.I) Schedule 1

(**3**) S.R. 2004 No. 149 as amended by S.R.2008 No.434

(**4**) 1983 c.54. Section 18A was inserted by paragraph 10 of Schedule 1 to S.I.2008/1774

(b) whose name, within the period of five years prior to being so registered, had been included on the primary medical services performers list; and

(c) whose name was subsequently removed from the primary medical services performers list—

(i) on the ground referred to in regulation 10(1); or

(ii) on some other ground unconnected with impairment of fitness to practise (for these purposes, impairment is construed in accordance with section 35C(2)(**5**) of the Medical Act (functions of the Investigation Committee)";

(b) after the definition of "performer" insert—

""period of emergency" means the period—

(a) beginning when the Secretary of State advises the Registrar of the General Medical Council (the Registrar") that an emergency of the type described in section 19(1)(a) of the Civil Contingencies Act 2004(**6**) (meaning of emergency), read with subsection (2)(a) and (b) of that section has occurred, is occurring or is about to occur;

(b) ending when the Secretary of State advises the Registrar that the circumstances that led to the Secretary of State to advise the Registrar as mentioned in paragraph (a) no longer exist.".

4. After regulation 6 of the principal Regulations (Application for inclusion in the primary medical services performers list) insert—

"**Disapplication of provisions with regard to emergency registered practitioners**

6A.—(1) Regulations 6 and 7(1) do not apply to applications made during a period of emergency for inclusion of the name of an emergency registered practitioner in the primary medical services performers list.

(2) Regulation 9(1)(c) does not apply in respect of the removal of an emergency registered practitioner's name from the primary medical services performers list.

Applications relating to emergency registered practitioners

6B.—(1) An application made during a period of emergency by an emergency registered practitioner for inclusion in the primary medical services performers list shall be made in writing to the Regional Board and shall include the requirements specified in Schedule 1 as modified in accordance with paragraph (2).

(2) Schedule 1 shall apply to an application referred to in paragraph (1) as if—

(a) paragraph 1(b), (e), (g), (i), (j), (l) and (m);

(b) paragraph 2(a), (b) and (o);

(c) paragraph 3(a)(i), (ii) and (iii), (c), (d) and (e); and

(d) paragraph 4,

were omitted.

(3) In addition to the information required in Schedule 1, as modified by paragraph (2), the following must be supplied with the an application referred to in that paragraph—

(**5**) Section 35C is substituted by S.I.2002/3135
(**6**) 2004 c.36