STATUTORY RULES OF NORTHERN IRELAND

2005 No. 565

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Superannuation Scheme and Injury Benefits) (Amendment) Regulations (Northern Ireland) 2005

Made - - - -	*14th December 2005*
Coming into operation	*19th December 2005*

The Department of Health, Social Services and Public Safety(**1**) in exercise of the powers conferred upon it by Articles 12 and 14 of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972(**2**) and of all other powers enabling it in that behalf, and after consulting with such representatives of persons likely to be affected by these Regulations as appear to it be appropriate as required by Article 12(4) of that Order, and with the consent of the Department of Finance and Personnel, hereby make the following Regulations:

Citation, commencement and retrospective effect

1.—(1) These Regulations may be cited as the Health and Personal Social Services (Superannuation Scheme and Injury Benefits) (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 19th December 2005.

(2) These Regulations shall have retrospective effect from 1st April 2004.

2. In these Regulations—

the "Injury Benefits Regulations" means the Health and Personal Social Services (Injury Benefits) Regulations (Northern Ireland) 2001(**3**);

the "Superannuation Scheme Regulations" means the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995(**4**).

Amendment of regulation 2 of the Superannuation Scheme Regulations

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

(**1**) *See* S.I.1999/283 (N.I.): Article 3(6)
(**2**) S.I. 1972/1073 (N.I. 10) as amended by S.I. 1990/1509 (N.I. 13)
(**3**) S.R. 2001 No. 367 as amended by paragraph 9 of Schedule 1 of S.R. 2004 No. 156
(**4**) S.R. 1995 No .95 as amended by S.R s 1997 No. 217 and 390, S.R. 1998 No. 299, S.R. 1999 No. 293, S.R. 2002 No. 69 and S.Rs. 2004 Nos. 103 and 104, and S.R. 2005 Nos. 155

(a) omit the definitions "associate general practitioner" and "medical pilot scheme employee(**5**)";

(b) at the appropriate places in the alphabetical order insert the following definitions –

""the GMS Contracts Regulations" means the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004(**6**);

"the 2003 Order" means the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003(**7**);

"additional services", with regard to—

(a) a GMS practice, has the meaning given in regulation 2 of the GMS Contracts Regulations, or

(b) any other performer or provider of primary medical services, means services which, if provided by a GMS Practice, would be additional services within the meaning of regulation 2 of those Regulations;

"APMS contract" means arrangements under Article 56(2)(b) of the 1972 Order (primary medical services)(**8**) between a Health and Social Services Board and an APMS contractor;

"APMS contractor" means a person with whom a Health and Social Services Board has made arrangements under Article 56(2)(b) of the 1972 Order, but only if that person is also a person who has entered into, or would be eligible to enter into, a GMS contract for the provision of primary medical services;

"CCT" means Certificate of Completion of Training awarded under Article 8 of the 2003 Order, including any such certificate awarded in pursuance of the competent authority functions of the Postgraduate Medical and Training Board specified in Article 20(3)(a) of that Order;

"certification services" means services related to the provision of medical certificates listed in Schedule 3 to the GMS Contracts Regulations (List of prescribed medical certificates);

"core hours" means the period beginning at 8am and ending at 6:30pm on any day from, and including, Monday to Friday except a public holiday and a local holiday agreed with the Health and Social Services Boards;

"dispensing services" means the provision of drugs, medicines or appliances that may be provided by a registered medical practitioner in accordance with arrangements made under regulation 12 of the Pharmaceutical Services Regulations 1997(**9**) (Arrangement for the provision of pharmaceutical services by doctors);

"enhanced services", with regard to—

(a) a GMS practice, has the meaning given in regulation 2 of the GMS Contracts Regulations, or

(b) any other performer or provider of primary medical services, means services which, if provided by a GMS practice, would be enhanced services within the meaning of regulation 2 of those Regulations;

(**5**) The definition of "medical pilot scheme employee" was inserted by regulation 3 of S.R. 1999 No. 293
(**6**) S.R. 2004 No. 140
(**7**) S.I. 2003/1250
(**8**) Article 56 was substituted by Article 3 of S.I. 2004/311 (NI 2)
(**9**) S.R. 1997 No. 387 – Regulation 12 was substituted by S.R. 2005 No. 231 – regulation 8

"essential services" means services required to be provided in accordance with regulation 15 of the GMS Contracts Regulations (whether provided by a GMS practice or an APMS contractor);

"GMS contract" means a contract under Article 57 of the 1972 Order or under Article 13 of the General Medical Services Transitional and Consequential Provisions (No. 1) (Northern Ireland) Order 2004(**10**);

"GMS practice" means—

(a) a registered medical practitioner; or

(b) two or more individuals practicing in a partnership; or

(c) a company limited by shares,

with whom a Health and Social Services Board has entered into a GMS contract;

"GP performer" means a registered medical practitioner, other than a trainee practitioner or a locum practitioner, whose name is included in a medical performers list and who performs essential services, enhanced services, additional services, dispensing services, commissioned services, OOH services or certification services (or a combination thereof)—

(a) under a GMS contract or an APMS contract,

(b) on behalf of an OOH provider, or

(c) under a contract of service or for services with a Health and Social Services Board which relates to it to arrangements by it to provide services under Article 56(2)(b) of the 1972 Order;

"GP provider" means a GP performer who is—

(a) a GMS practice or an APMS contractor.

(b) a partner in a partnership that is a GMS practice or an APMS contractor, or

(c) a shareholder in a company limited by shares that is a GMS practice or an APMS contractor,

and who performs medical services as or on behalf of that practice or contractor;

" health care professional" means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002(**11**);

"host Health and Social Services Board" means—

(a) in respect of a non-GP provider who is—

(i) a partner in a partnership—

(aa) that is a GMS practice;

(bb) that is an APMS contractor that has entered into an APMS contract for the provision of primary medical services;

(ii) a shareholder in a company limited in shares that is a GMS practice or an APMS contractor that has entered into an APMS contract for the provision of essential services;

(iii) an individual who is an APMS contractor,

(**10**) 2004 No. 141
(**11**) 2002 c. 17

the Health and Social Services Board with which that partnership (in the case of (i)), company (in the case of (ii)) or contractor (in the case of (iii)) has entered into a contract referred to in those provisions;

(b) in respect of a practitioner, means the Health and Social Services Board on whose medical performers list his name appears;

"Non-GP provider" means—

(a) a partner in a partnership that is a GMS practice who is not a GP provider and who is able to demonstrate to the satisfaction of the Department that he assists in the provision of HPSS services provided by that practice ;

(b) a partner in a partnership that is an APMS contractor—

(i) that has entered into an APMS contract for the provision of primary medical services, but

(ii) who is not a GP provider and who is able to demonstrate to the satisfaction of the Department that he assists in the provision of HPSS services provided by that partnership;

(c) a shareholder in a company limited by shares that is—

(i) a GMS practice, or

(ii) an APMS contractor that has entered into an APMS contract for the provision of primary medical services,

but who is not a GP provider and who demonstrates to the satisfaction of the Department that he assists in the provision of HPSS services provided by that company;

(d) an individual who is an APMS contractor but who is not a GP provider and who is able to demonstrate to the satisfaction of the Department that he participates in the provision of HPSS services;

"OOH provider" shall be construed in accordance with regulation 2A;

"out of hour's period" means—

(a) the period beginning at 6:30pm on any day from and including Monday to Thursday and ending at 8am the following day;

(b) the period between 6:30pm on and including Friday and 8am on the following Monday; and

(c) any public holiday or local holiday agreed with the Health and Social Services Board;"

(b) in the definition of "employing authority"—

(i) omit paragraph (f)(**12**),—

(ii) after paragraph (g) add the following paragraphs–

"(h) an OOH provider;

(i) an APMS contractor;

(j) a GMS practice.";

(d) for the definitions of "medical list", "practice staff", "OOH services" and "trainee practitioner", substitute respectively—

""practice staff" means a person (other than an assistant practitioner, a principal practitioner, a trainee practitioner or a non-GP provider) employed by a GMS

(**12**) Paragraph (f) was inserted by S.R. 1997 No.390

practice, an APMS contractor or an OOH provider to assist in the provision of the services it provides;

"OOH services" means such services as are required to be provided in the out of hours period and which, if provided during core hours by a GMS practice to patients to whom the practice is required by its GMS contract to provide essential services, would be or would be similar to essential services;

"trainee practitioner" means a GP Registrar and "GP Registrar" means a registered medical practitioner who is being trained in general practice by—

until the coming into operation for all purposes of Article 5 of the 2003 Order, means a general medical practitioner who—

(a) has been approved for that purpose by the Joint Committee on Postgraduate Training for general practice under regulation 7 of the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998(**13**), and

(b) from the coming into operation for all purposes of that Article, a general medical practitioner who is approved under that Article for the purpose of providing training under Article 5 of the 2003 Order, whether as part of training leading to the award of a CCT or otherwise;".

(e) in the definition of "officer" after "person" insert "other than a GP performer";

(f) in the definition of "practitioner" (**14**) for paragraph (a), substitute—

"(a) a registered medical practitioner, other than a trainee practitioner, who is a locum practitioner, a GP provider or GP performer;".

Insertion of new regulation (2A) in the Superannuation Scheme Regulations relating to the approval of OOH providers

4. After regulation 2 of the Superannuation Scheme Regulations (Interpretation) add—

"**Approved Out of Hours Providers**

2A.—(1) For the purposes of these Regulations, an "OOH provider" is—

(a) a company limited by guarantee (which is not otherwise an employing authority) —

(i) in which all the members of the Company are registered medical practitioners or GMS practices, and the majority of those members are—

(aa) APMS contractors or GMS practices whose APMS contracts or GMS contracts, require them to provide OOH services, or

(bb) registered medical practitioners who are partners or shareholders in an AMPS Contractor or GMS practice which is a partnership or a company limited by shares and which is required to provide OOH services under an APMS contract or a GMS contract,

(ii) which has a contract with a Health and Social Services Board, an APMS contractor or a GMS practice for the provision of OOH services; and

(iii) in respect of which a Health and Social Services Board appointed by the Department to act on its behalf—

(**13**) S.R. 1998 No.13

(**14**) The definition of "practitioner" was inserted by S.R. 2005 No. 534