STATUTORY RULES OF NORTHERN IRELAND

2004 No. 477

HEALTH AND PERSONAL SOCIAL SERVICES

The Primary Medical Services (Sale of Goodwill and Restrictions on Sub-contracting) Regulations (Northern Ireland) 2004

Made - - - -	*16th November 2004*
Coming into operation	*16th December 2004*

The Department of Health, Social Services and Public Safety(**1**), in exercise of the powers conferred on it by Articles 15D, 17, 57E, 60 and 106(b) of, and paragraphs 1(c) and 2(3) of Schedule 10 to, the Health and Personal Social Services (Northern Ireland) Order 1972(**2**), and all other powers enabling it in that behalf, hereby enables the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Primary Medical Services (Sale of Goodwill and Restrictions on Sub-contracting) Regulations (Northern Ireland) 2004 and shall come into operation on 16th December 2004.

Interpretation

2.—(1) In these Regulations –

"the 1972 Order" means the Health and Personal Social Services (Northern Ireland) Order 1972;

"additional services" means one or more of –

(a) cervical screening services,

(b) contraceptive services,

(c) vaccinations and immunisations,

(d) childhood vaccinations and immunisations,

(e) child health surveillance services,

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

(**2**) S.I. 1972/1265 (N.I. 14), Article 15D was inserted by S.I. 1997/1177(N.I. 7) – Article 22; S.I. 2004/311 (N.I. 2) – Article 6; Article 57E was inserted by S.I. 2004/311 (N.I. 2) – Article 4; Schedule 10 was substituted by Section 55 of, and Schedule 3 to, the Health and Personal Social Services Act (Northern Ireland) 2001 (2001 c. 3 (N.I.)) and amended by S.I. 2004/311, paragraph 11

(f) maternity medical services, and

(g) minor surgery;

"Board" means a Health and Social Services Board;

"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 Board;

"default contract" means a contract under Article 13 of the General Medical Services Transitional and Consequential Provisions (No. 1) (Northern Ireland) Order 2004(**3**);

"enhanced services" are –

(a) services other than essential services, additional services or out of hours services; or

(b) essential services, additional services or out of hours services or an element of such a service that a contractor agrees under the contract to provide in accordance with specifications set out in a plan, which requires of the contractor an enhanced level of service provision compared to that which it needs generally to provide in relation to that service or element of service;

"essential services" means the services required to be provided in accordance with regulation 15 of the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004(**4**);

"GMS contractor" means a person with whom a Board has entered into a general medical services contract or a default contract;

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

"goodwill factor", with regard to a share in a company of a performer or provider of primary medical services, means the difference between the value of the share when the goodwill of his medical practice is taken into account and the value of the share when the goodwill of his medical practice is not taken into account;

"out of hours services" means services required to be provided in all or part of the out of hours period which –

(a) would be essential services if provided by a contractor to its registered patients in core hours, or

(b) are included in the contract as additional services funded under the global sum.

(2) For the purposes of these Regulations, a contractor or performer has a registered patient list if there are patients –

(a) recorded by a Board as being on a contractor's or performer's list of patients or on the Board's list of patients in respect of the contractor or performer; and

(b) to whom the contractor or performer must provide essential services during core hours other than under an arrangement to provide enhanced services.

Prohibition on the sale of goodwill in certain primary medical services practices

3.—(1) The following performers or providers of primary medical services –

(a) a GMS contractor;

(b) a medical practitioner who is a performer, with a registered patient list, of essential services during core hours, other than –

(**3**) S.R. 2004 No. 141
(**4**) S.R. 2004 No. 140