STATUTORY RULES OF NORTHERN IRELAND

1999 No. 100

HEALTH AND PERSONAL SOCIAL SERVICES
SOCIAL SECURITY
STATUTORY SICK PAY
CHILDREN

The Health Services (Pilot Schemes: Miscellaneous Provisions and Consequential Amendments) Regulations (Northern Ireland) 1999

Made - - - -	*8th March 1999*
Coming into operation	*1st April 1999*

The Department of Health and Social Services, in exercise of the powers conferred on it by the provisions set out in the Schedule to these Regulations, and of all other powers enabling it in that behalf, and with the approval of the Department of Finance and Personnel(**1**) in so far as the Regulations relate to Schedule 15 to the Health and Personal Social Services (Northern Ireland) Order 1972(**2**), and in conjunction with the Department of Finance and Personnel in so far as the Regulations relate to Article 61 of that Order, and after consultation in accordance with Articles 56(5), 61(4), 62(3) and 63(3) of the Health and Personal Social Services (Northern Ireland) Order 1972 with such organisations as appear to the Department of Health and Social Services to be representative of the medical, dental, ophthalmic and pharmaceutical professions, hereby makes the following Regulations:

(**1**) Formerly Department of Finance: see S.I. 1982/338 (N.I. 6), Article 3
(**2**) S.I. 1972/1265 (N.I. 14); the relevant amendments are S.I. 1984/1158 (N.I. 8), S.I. 1986/2229 (N.I. 24), S.I. 1988/594 (N.I. 2), S.I. 1988/2249 (N.I. 24), S.I. 1991/194 (N.I. 1) and S.I. 1997/1177 (N.I. 7)

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Health Services (Pilot Schemes: Miscellaneous Provisions and Consequential Amendments) Regulations (Northern Ireland) 1999 and shall come into operation on 1st April 1999.

(2) In Part II of these Regulations—

"the 1997 Order" means the Health Services (Primary Care) (Northern Ireland) Order 1997;

"the 1997 Regulations" means the General Medical Services Regulations (Northern Ireland) 1997(**3**).

PART II

MISCELLANEOUS PROVISIONS

Pilot patients for whom boards must make arrangements for the provision of general medical services

2.—(1) Persons who are, under a pilot scheme, being provided with—

(a) personal medical services which are limited to contraceptive services or maternity medical services, or both of them(**4**); or

(b) personal medical services as temporary residents(**5**) at a time when their names are included in the list of patients held by a doctor who provides general medical services in the area of a board which is a party to the pilot scheme,

are persons for whom, for the purpose of Article 3(5)(a) of the 1997 Order, a board must make arrangements under Article 56 of the Health and Personal Social Services (Northern Ireland) Order 1972 for the provision of general medical services.

(2) In this regulation—

(a) "contraceptive services" means the services described in regulation 3(1)(c) of the 1997 Regulations;

(b) "maternity medical services" has the meaning assigned to it in regulation 2 of the 1997 Regulations; and

(c) "temporary resident" has the meaning assigned to it in the Health Services (Choice of Medical Practitioner) Regulations (Northern Ireland) 1998(**6**).

Persons who may perform personal medical services

3. Persons—

(**3**) S.R. 1997 No. 380; as amended by S.R. 1998 No. 9

(**4**) As to the provision of these services to a person who is not provided with other personal medical services under a pilot scheme, see the directions to Health and Social Services Boards concerning the implementation of pilot schemes (personal medical services), given by the Department of Health and Social Services on 19th November 1998

(**5**) As to the treatment of temporary residents, see regulation 6 of the Health Services (Choice of Medical Practitioner) Regulations (Northern Ireland) 1998 (S.R. 1998 No. 412), and paragraph 12 of the directions to Health and Social Services Boards concerning the implementation of pilot schemes (personal medical services) given by the Department of Health and Social Services on 19th November 1998

(**6**) S.R. 1998 No. 412

(a) who, whilst not falling within Article 12(2)(a) of the 1997 Order (persons acting in the course of acquiring prescribed experience), are nonetheless acting in the course of acquiring the whole or any part of the general practice experience prescribed by regulation 6 of the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998(**7**) ("the Vocational Training Regulations"); and

(b) who have been issued with a certificate of equivalent experience under regulation 12 of the Vocational Training Regulations,

are prescribed for the purpose of Article 12(2)(c) of the 1997 Order (persons who are not otherwise mentioned in Article 11 of that Order who may perform personal medical services).

PART III

CONSEQUENTIAL AMENDMENTS

Amendment of the General Medical Services Regulations (Northern Ireland) 1997

4.—(1) The General Medical Services Regulations (Northern Ireland) 1997(**8**), shall be amended in accordance with the following provisions of this Part of these Regulations.

(2) In regulation 2 (interpretation)—

(a) at the appropriate place in alphabetical order, insert—

> ""the 1997 Order" means the Health Services (Primary Care) (Northern Ireland) Order 1997;";
>
> ""the Choice of Medical Practitioner Regulations" means the Health Services (Choice of Medical Practitioner) Regulations (Northern Ireland) 1998;";
>
> ""personal medical services" has the meaning assigned to it in Article 3(7) of the 1997 Order;";
>
> ""pilot doctor" means a doctor who performs personal medical services in connection with a pilot scheme;";
>
> ""pilot scheme" has the meaning assigned to it in Article 3(1) of the 1997 Order;";
>
> ""pilot scheme agreement" means an agreement which constitutes, or is one of the agreements which together constitute, a pilot scheme;";
>
> ""pilot scheme provider" means a person who provides personal medical services in connection with a pilot scheme;";
>
> ""pooled list" means a single list of the patients of two or more pilot doctors which is held in connection with a pilot scheme;"
>
> ""primary medical services" means the services described in Article 15E(5) of the Order(**9**);";

(b) in the definition of "medical card" for "general medical services" substitute "primary medical services"; and

(c) in the definition of "temporary resident", for "regulation 25" substitute "regulation 6 of the Choice of Medical Practitioner Regulations".

(**7**) S.R. 1998 No. 13
(**8**) S.R. 1997 No. 380; as amended by S.R. 1998 No. 9
(**9**) Article 15E of the Health and Personal Social Services (Northern Ireland) Order 1972 was inserted by Article 23 of the Health Services (Primary Care) (Northern Ireland) Order 1997

(3) In regulation 4 (medical list), in paragraph (1)(a), after "the Order" insert "or Schedule 1 to the 1997 Order".

(4) After regulation 5, insert the following regulation—

"**Preferential right to be included in medical list**

5A.—(1) An application by a doctor ("the applicant") for inclusion of his name in a medical list by virtue of Schedule 1 to the 1997 Order shall be made by sending to the Board an application in writing, which—

(a) shall make clear that the application is made by virtue of that Schedule; and

(b) shall include the information and undertakings specified in paragraphs 1 to 5, 9, 10 and 12 of Part IIA, and Part IIC, of Schedule 3, and in such other paragraphs of that Schedule as are relevant in the applicant's case.

(2) Upon granting such an application, the Board shall (subject to paragraph (3)), specify that the applicant's entry in the medical list is subject to one of the conditions which could have been specified by the Board under regulation 13(1) if the application had been one to which that provision relates.

(3) Where the applicant was subject to one of the conditions set out in sub-paragraphs (a) to (c) of regulation 13(1) when his name was last included in a medical list, the Board may not under paragraph (2) specify (among those three conditions)—

(a) one which is more restrictive than the one which applied to him when his name was last so included; or

(b) one which is less restrictive, unless in the Board's opinion there are exceptional reasons for doing so, and the Board has consulted the Local Medical Committee.

(4) The Board shall notify the Medical Committee of any successful application under paragraph (1) and of any conditions imposed under paragraph (2).".

(5) In regulation 8 (filling or dispersal of medical practice vacancies), in paragraph (3), at the beginning insert "Subject to regulation 12A,".

(6) In regulation 9(2) (application to fill a vacancy), after "subject" insert "to regulation 12A and".

(7) In regulation 12 (Board's decision on applications and inclusion in the medical list), in paragraph (1), after "the Board shall" insert "(subject to regulation 12A)".

(8) After regulation 12, insert the following regulation—

"**Practice vacancies where patients are subject to pilot scheme proposals**

12A.—(1) Paragraph (2) applies where—

(a) a practice has been declared vacant, or a vacancy has arisen, as mentioned in regulation 8;

(b) the Board receives, or has received, a request under Article 6 of the 1997 Order to prepare proposals for a pilot scheme and is under a duty to comply with that request, or has done so;

(c) in the Board's opinion those proposals relate, or would relate, to more than half of the patients whom it expects to be on the list of any doctor who would fill the vacancy or succeed to the practice; and

(d) in a case to which regulation 9(2) applies—

(i) the panel has not yet made a recommendation, or

(ii) the panel has made a recommendation, but the Agency has not yet forwarded the name of the recommended applicant to the Board.

(2) In a case referred to in paragraph (1),—

(a) without prejudice to any steps that may already have been taken, a Board shall not grant the application of any applicant pursuant to regulation 12(1); and

(b) the panel shall not begin to consider, or shall not further consider, any application received by them, until such time as one of the events set out in paragraph (3) has occurred.

(3) The events referred to in paragraph (2) are that—

(a) the proposals referred to in paragraph (1)(b) are rejected by the Department pursuant to Article 7(1)(c) of the 1997 Order; or

(b) the proposals are withdrawn before the Department has made its decision under Article 7 of the 1997 Order; or

(c) a pilot scheme implemented as a result of the proposals comes to an end, whether pursuant to a direction of the Department given under Article 10(4) of the 1997 Order, or otherwise.

(4) The Board shall forthwith inform the Agency—

(a) if paragraph (1)(a) to (c) applies;

(b) if the Department approves the proposals in question (whether with or without modification); and

(c) where one of the events referred to in paragraph (3) occurs, of that fact.".

(9) In regulation 18 (doctors' lists)—

(a) in paragraph (1), for "this Part" substitute "the Choice of Medical Practitioner Regulations"

(b) in paragraph (3), for "regulation 21(7)" substitute "regulation 3(3) of the Choice of Medical Practitioner Regulations";

(c) for paragraph (6), substitute—

"(6) Any removal of a person from a doctor's list caused by the transfer of a person to the list of another doctor or to a pooled list, other than a transfer under regulation 3(3) of the Choice of Medical Practitioner Regulations, shall take effect—

(a) from the date on which the Agency receives notification of the acceptance of the person by the last-named doctor or, in the case of a transfer to a pooled list, the pilot scheme provider; or

(b) subject to the consent of the Agency, from such date, being not earlier than the date of that consent, as may be agreed between the doctors or, as the case may be, between the doctor and the pilot scheme provider."; and

(d) in paragraph (8), for sub-paragraph (b), substitute—

"(b) on receipt of the notification mentioned in sub-paragraph (1) of that paragraph, the Agency shall acknowledge it in writing and give written notice of the removal to the person concerned.".

(10) Regulations 19 (application for services) and 20 (assignment of persons to doctors) are omitted.

(11) In regulation 21 (change of doctor)—

(a) paragraphs (1) to (3) and (5) to (8) are omitted; and