STATUTORY RULES OF NORTHERN IRELAND

1998 No. 413

HEALTH AND PERSONAL SOCIAL SERVICES

The Health Services (Pilot Schemes: Part VI Practitioners) Regulations (Northern Ireland) 1998

Made - - - -	*19th November 1998*
Coming into operation	*1st April 1999*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 13, 16(1) and (2) and 31(2) of the Health Services (Primary Care) (Northern Ireland) Order 1997(**1**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Health Services (Pilot Schemes: Part VI Practitioners) Regulations (Northern Ireland) 1998 and shall come into operation on 1st April 1999.

(2) In these Regulations–

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

"medical list" shall be construed in accordance with regulation 4(1) of the General Medical Services Regulations (Northern Ireland) 1997(**2**);

"normal hours" means such days and times as may be specified in a pilot scheme as the days on which and times at which a doctor will normally be available to perform personal medical services;

"personal medical services" has the meaning assigned to it in Article 3(7) of the 1997 Order;

"pilot scheme" has the meaning assigned to it in Article 3(1) of the 1997 Order;

"pilot scheme provider" means a person, other than a board, who is a party to a pilot scheme; and

"Part VI practitioner" and "pilot scheme practitioner" have the meanings respectively assigned to them in Article 16(3) of the 1997 Order, but for the purposes of these Regulations a Part VI practitioner who performs personal medical services in any of the circumstances mentioned in regulation 2 is not a "pilot scheme practitioner".

(**1**) S.I.1997/1177 (N.I. 7)
(**2**) S.R. 1997 No. 380, as amended by S.R. 1998 No. 13

Performance of personal medical services by a Part VI practitioner

2.—(1) A board shall not remove from its medical list the name of a Part VI practitioner who is performing personal medical services in circumstances mentioned in any of the sub-paragraphs of paragraph (2), unless–

(a) under the pilot scheme in question, he either has his own list of patients, or participates in arrangements under which he and one or more pilot scheme practitioners together have a single list of patients; or

(b) he is, in relation to that pilot scheme, a pilot scheme provider.

(2) The circumstances are that–

(a) he has been engaged or employed by a pilot scheme provider (or by a person with whom a pilot scheme provider has made arrangements for that purpose) to perform personal medical services–

(i) temporarily, in place of the pilot scheme practitioner who is normally responsible for the performance of those services (or the Part VI practitioner who is normally responsible for performing those services by virtue of sub-paragraph (*c*)), or

(ii) during periods outside normal hours when no pilot scheme practitioner is available to perform those services;

(b) he performs personal medical services in connection with arrangements under which, outside normal hours, pilot scheme practitioners and Part VI practitioners co-operate in such a way that one practitioner will cover for another to secure the performance of personal medical services or, as the case may be, the provision of general medical services for their patients;

(c) he has been engaged or employed by a pilot scheme provider to perform personal medical services for a specified number of hours each week and the board is satisfied that–

(i) the Part VI practitioner has particular skills or experience which would, if he were engaged or employed by the pilot scheme provider, enable the pilot scheme provider to provide the persons to whom personal medical services are to be provided under the pilot scheme with personal medical services which are of greater benefit to them (or any of them) than the services which the pilot scheme provider would otherwise provide; and

(ii) the performance of personal medical services by the Part VI practitioner will not adversely affect the provision of general medical services to the persons for whom he is obliged to provide those services.

Liability of Part VI practitioners who perform personal medical services

3. A Part VI practitioner who performs medical services by virtue of sub-paragraph (*a*) or (*b*) of regulation 2(2) shall be responsible for any act or omission of his which both gives rise to a breach of a pilot scheme and would, if the practitioner had been providing general medical services when the act or omission occurred, have been contrary to the terms of service contained in Schedule 2 to the General Medical Services Regulations (Northern Ireland) 1997, and that act or omission shall be treated as if it were a breach of those terms of service.