STATUTORY RULES OF NORTHERN IRELAND

1998 No. 294

HEALTH AND PERSONAL SOCIAL SERVICES

The Health Services (Pilot Schemes: Financial Assistance for Preparatory Work) (Amendment) Regulations (Northern Ireland) 1998

Made - - - -	*19th August 1998*
Coming into operation	*30th September 1998*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 18(1) and (3) 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: Financial Assistance for Preparatory Work) (Amendment) Regulations (Northern Ireland) 1998 and shall come into operation on 30th September 1998.

(2) In these Regulations—

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

"the principal regulations" means the Health Services (Pilot Schemes: Financial Assistance for Preparatory Work) Regulations (Northern Ireland) 1998(**2**).

Amendment of the principal regulations

2. The principal regulations shall be amended by the insertion, after regulation 3, of the following regulations—

"**Provision of financial assistance to prepare for the provision of piloted services**

4.—(1) A board may make payments of financial assistance for preparatory work in connection with preparation for the provision of piloted services.

(**1**) S.I.1997/1177 (N.I. 7)
(**2**) S.R. 1998 No. 193

(2) Subject to the provisions of this regulation, a payment mentioned in paragraph (1) shall be made only following receipt by the board of a written application from a person ("the applicant") who is named as a proposed provider of piloted services—

(a) in proposals for a pilot scheme which have been approved by the Department under Article 7 of the Order; or

(b) in proposals which, having been so approved by the Department, have been subsequently varied with the agreement of the Department or, as the case may be, in accordance with directions given by the Department under Article 8 of the Order(**3**), in the proposals as so varied,

such proposals being referred to in these Regulations as "the relevant proposals".

(3) Payments of financial assistance may be made under this regulation only if—

(a) the applicant specifies in his application the purposes for which he intends to use the payment of financial assistance for which he has applied;

(b) the board has notified the applicant in writing that it is willing to make a payment of financial assistance to him for the purposes so specified, and of the maximum amount of the payment which it is willing to make; and

(c) the applicant has satisfied the board that—

(i) he has incurred costs which are not less than the amount of the payment of financial assistance;

(ii) the costs were incurred before the relevant date; and

(iii) the costs were incurred for the purposes specified in the application.

(4) Where two or more persons have together applied for financial assistance, payment may be made to any one of them on behalf of them all; but otherwise in such a case "the applicant" means all of them together.

(5) Subject to any directions given by the Department under Article 8(1) of the Order(**4**) as to implementation of proposals—

(a) if the relevant proposals do not specify the date by which those proposals are to be implemented, a board may give notification to an applicant under paragraph (3)(*b*) only if it has agreed with him the date by which the proposals are to be implemented; but

(b) where a board and an applicant have agreed a date by which the relevant proposals are to be implemented, they may, at any time before that date, agree a different date as the date by which the proposals are to be implemented, in substitution for that date.

(6) In this regulation "the relevant date" means—

(a) the date on which the relevant proposals are to be implemented;

(b) the date on which the board receives notification from an applicant to whom it has given notification under paragraph (3)(*b*) in respect of the relevant proposals that he wishes to withdraw before those proposals are implemented(**5**); or

(c) the date specified in the relevant proposals or, as the case may be, for the time being agreed under paragraph (5) as the date by which the proposals are to be implemented.

(**3**) *See* the directions to Health and Social Services Boards concerning the variation of proposals for pilot schemes (personal medical services), given by the Department of Health and Social Services on 19th May 1998. Comparable directions relating to personal dental services had not been given at the time these Regulations were made

(**4**) No such directions had been given at the time these Regulations were made

(**5**) *See* Article 8(2) of S.I. 1997/1177 (N.I. 7) as to withdrawal by a proposed participant in a pilot scheme