STATUTORY RULES OF NORTHERN IRELAND

1998 No. 192

HEALTH AND PERSONAL SOCIAL SERVICES

The Health Services (Pilot Schemes – Health Services Bodies) Regulations (Northern Ireland) 1998

Made - - - -	*19th May 1998*
Coming into operation	*1st October 1998*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 17(3)(*a*), (7) and (9) 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 – Health Services Bodies) Regulations (Northern Ireland) 1998 and shall come into operation on 1st October 1998.

(2) In these Regulations—

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

"applicant" means a person making an application;

"application" means an application under Article 17 of the Order to become a pilot scheme health services body(**2**) in respect of a pilot scheme under which piloted services are, or are to be, provided;

"member", in relation to a pilot scheme health services body,—

(a) means, where the relevant pilot scheme has not yet been implemented, a person proposing to provide piloted services under that scheme; and

(b) is to be construed, where the relevant pilot scheme has been implemented, in accordance with Article 17(7) of the Order;

"relevant board" means the board which is, or is to be, a party to the relevant pilot scheme; and

"relevant pilot scheme" means the pilot scheme under which—

(a) the applicants are to provide, or are providing, piloted services; or

(b) the members of the pilot scheme health services body are to provide, or are providing, piloted services,

(**1**) S.I.1997/1177 (N.I. 7)
(**2**) *See* Article 17(6) of S.I. 1997/1177 (N.I. 7)

as the case may be.

Applications to become a pilot scheme health services body

2.—(1) An application shall be made in writing, and shall include the name and address of each applicant.

(2) A copy of an application shall be sent to the relevant board.

(3) The grant of an application does not affect the nature of, or any rights or liabilities arising under, any contract entered into by an applicant before the date on which the application comes into effect.

Ceasing to be a pilot scheme health services body

3.—(1) Subject to paragraphs (3) and (4), a pilot scheme health services body shall cease to be such a body if all the members of the pilot scheme health services body withdraw from the relevant pilot scheme before it has been implemented.

(2) Subject to paragraphs (3) and (4), where the relevant pilot scheme has been implemented, a pilot scheme health services body shall cease to be such a body if—

(a) the relevant pilot scheme comes to an end (in circumstances other than those specified in sub-paragraph (*b*));

(b) the Department gives directions under Article 10(4) of the Order relating to the relevant pilot scheme; or

(c) all the members of the pilot scheme health services body agree in writing that that body is to cease to be such a body on a specified date, and they give notice in writing of their decision to the Department and the relevant board.

(3) The date on which a pilot scheme health services body ceases to be such a body is,—

(a) in a case falling within paragraph (1), the date on which the last member of the pilot scheme health services body withdraws from the relevant pilot scheme;

(b) in a case falling within paragraph (2)(*a*), the date on which the relevant pilot scheme comes to an end;

(c) in a case falling within paragraph (2)(*b*), the date on which the directions are given; and

(d) in a case falling within paragraph (2)(*c*), the date specified by the members of the pilot scheme health services body.

(4) Where a pilot scheme health services body ceases to be such a body under this regulation, it ceases to be such a body for all purposes except that of being a party to an HSS contract entered into on a date before that on which the pilot scheme health services body ceases to be such a body (for which purpose it ceases to be such a body on the determination of that HSS contract).

(5) Where, by virtue of paragraph (4), a pilot scheme health services body remains such a body for the purpose of being a party to an HSS contract—

(a) if, on the date the pilot scheme health services body ceases to be such a body for other purposes under this regulation, the relevant pilot scheme has been implemented, that body is to be treated as consisting of those who provided piloted services under that scheme on the date on which that body ceased, for all other purposes, to be a health services body; and

(b) if, on the date the pilot scheme health services body ceases to be such a body for other purposes under this regulation, the relevant pilot scheme has not been implemented, that body is to be treated as consisting of those who proposed to provide piloted services under that scheme on the date on which that HSS contract was entered into.