1994 No. 500

HEALTH AND PERSONAL SOCIAL SERVICES

General Medical and Pharmaceutical Services (Amendment No. 3) Regulations (Northern Ireland) 1994

Made . . . . . *22nd December 1994*

Coming into operation . . *1st January 1995*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 56, 106, and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972(**a**) and of all other powers enabling it in that behalf, and in conjunction with the Department of Finance and Personnel and after consultation with such organisations as appeared to the Department to be representative of the Medical profession, as required by Article 56(5) of that Order, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the General Medical and Pharmaceutical Services (Amendment No. 3) Regulations (Northern Ireland) 1994 and shall come into operation on 1st January 1995.

(2) In these regulations, the "principal regulations" means the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973(**b**).

Temporary provision of general medical services

1.—(1) In regulation 25 of the principal regulations (temporary provision of general medical services), after paragraph (6) there shall be inserted—

"(6A) No doctor may be appointed under paragraph (2) or (6) unless he is suitably experienced within the meaning of Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1978(**c**) (other than by virtue of being a restricted services principal).".

(2) This regulation is without prejudice to any appointment subsisting when these regulations come into operation.

(a) S.I. 1972/1265 (N.I. 14), as amended by S.I. 1978/1907 (N.I. 26), S.I. 1981/432, S.I. 1986/2229 (N.I. 24), and S.I. 1991/194 (N.I. 1)

(b) S.R. & O. (N.I.) 1973 No. 421, relevant amending regulations are 1989 No. 454 and S.R. 1992 No. 232

(c) S.I. 1978/1907 (N.I. 26)

Assistants and deputies

2.—(1) This regulation is subject to regulation 3.

(2) Schedule 1 to the principal regulations (terms of service for doctors) shall be amended as follows.

(3) In paragraph 14 (deputies, assistants and partners), in sub-paragraph (4) heads (*b*) to (*e*) shall be deleted and the following heads substituted—

"(*b*) before entering into any arrangements with a deputising service for the provision of a deputy, a doctor shall

(i) obtain the written agreement of the deputising service that any doctor provided to him by the deputising service will be suitably experienced within the meaning of Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1978 (other than by virtue of being a restricted services principal) or will have the acquired right specified in regulation 5(1)(*d*) of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994(**a**), and

(ii) obtain the consent of the Board;

(*c*) the Board shall refuse its consent if the doctor has not obtained the written agreement of the deputising service as referred to in head (*b*)(i);

(*d*) in giving its consent, the Board

(i) shall impose the condition that the agreement referred to in head (*b*)(i) remain in force, and

(ii) may impose such other conditions as it considers necessary or expedient to ensure the adequacy of such arrangements;

(*e*) references in heads (*f*) to (*h*) to refusing consent and to conditions do not include refusing consent under head (*c*) or the condition set out in head (*d*)(i);

(*f*) before refusing its consent or imposing any conditions, the Board shall consult the Local Medical Committee;

(*g*) the Board may at any time, and shall periodically, review, in consultation with the Local Medical Committee, any consent given or conditions imposed under heads (*b*)(ii) and (*d*)(ii) in relation to any doctor and may withdraw such consent or vary such conditions;

(*h*) a doctor may appeal to the Department against refusal of consent or the imposition of a condition under this paragraph or against withdrawal of consent or variation of conditions under this paragraph;

(*i*) an appeal under head (*h*) shall be made in writing within 30 days of the decision of the Board and shall set out the grounds of appeal;

(**a**) S.I. 1994/3130