1994 No. 117

HEALTH AND PERSONAL SOCIAL SERVICES

General Medical and Pharmaceutical Services (Amendment) Regulations (Northern Ireland) 1994

Made	*28th March 1994*
Coming into operation	*1st April 1994*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 56, 63, 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 and Pharmaceutical professions, as required by Articles 56(5) and 63(3) 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) Regulations (Northern Ireland) 1994 and shall come into operation on 1st April 1994.

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

Amendment of regulation 20 of the principal regulations

2. In regulation 20 of the principal regulations (assignment of persons to a doctor), in paragraph (2) after "list" there shall be inserted "and, where the application relates only to a specified person who has previously been removed from the list of the doctor, the circumstances of that removal.".

Amendment of regulation 23 of the principal regulations

3.—(1) In paragraph (1) of regulation 23 of the principal regulations (application by a doctor for removal of persons from his list) after "Regulation 22(3)" there shall be inserted "and subject to paragraphs (3) to (6)".

(a) S.I. 1972/1265 (N.I. 14), as amended by S.I. 1978/1907 (N.I. 26), S.I. 1981/432, S.I. 1986/2023 (N.I. 20), S.I. 1986/2229 (N.I. 24), S.I. 1988/2249 (N.I. 24), and S.I. 1991/194 (N.I. 1)

(b) S.R. & O. (N.I.) 1973 No. 421, relevant amending regulations are S.R. 1975 No. 180, S.R. 1983 No. 182, S.R. 1988 No. 395, S.R. 1989 No. 454, S.R. 1991 No. 97 and S.R. 1992 No. 200

(2) After paragraph (2) there shall be added the following paragraphs:

"(3) Where—

(*a*) a person on a doctor's list has committed an act of violence against the doctor or has behaved in such a way that the doctor has feared for his safety; and

(*b*) the doctor has reported the incident to the police,

the doctor may notify the Agency that he wishes to have that person removed from his list with immediate effect.

(4) Notification under paragraph (3) may be given by any means including telephone or fax, but if not given in writing shall subsequently be confirmed in writing within 7 days (and for this purpose a faxed notification is not a written one).

(5) The time at which the doctor notifies the Agency shall be the time at which he makes the telephone call or sends or delivers the notification to the Agency.

(6) Where pursuant to paragraph (3) a doctor has notified the Agency that he wishes to have a person's name removed from his list with immediate effect, he shall take all reasonable steps to inform the person concerned.".

Amendment of regulation 26 of the principal regulations

4. In regulation 26 of the principal regulations (doctors' lists), after paragraph (7) there shall be added the following paragraphs—

"(7A) Where a doctor has requested the Agency to remove a person from his list in accordance with paragraphs (1) and (2) of regulation 23, the removal shall take effect from the date mentioned in paragraph (1) of that regulation.

(7B) Where a doctor has requested the Agency to remove a person from his list with immediate effect in accordance with paragraphs (3) to (6) of regulation 23—

(*a*) the removal shall take effect at the time mentioned in paragraph (5) of that regulation; and

(*b*) on receipt of the notification mentioned in paragraph (3) of regulation 23, the Agency shall—

(i) in writing, acknowledge it and also give notice of the removal to the person concerned, and

(ii) take all reasonable steps to assign the person to another doctor before the end of the next working day, or as soon as possible thereafter, and regulation 20 shall apply to such an assignment as if the person had applied for an assignment in accordance with that regulation.".

Insertion of new regulation 36A into the principal regulations

5. After regulation 36 of the principal regulations there shall be inserted the following regulation—