1992 No. 232

HEALTH AND PERSONAL SOCIAL SERVICES

General Medical and Pharmaceutical Services (Amendment No. 2) Regulations (Northern Ireland) 1992

Made . . . . . *20th May 1992*

Coming into operation . . *22nd June 1992*

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 56, 64A, 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(**b**) 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. 2) Regulations (Northern Ireland) 1992 and shall come into operation on 22nd June 1992.

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

Amendment to Regulation 2 of the principal regulations

2. In regulation 2(1) (interpretation) the definition of "Medical Officer" shall be deleted.

Substitution of Regulation 25 of the principal regulations

3. For regulation 25 of the principal regulations (temporary arrangements for practice on death of doctor or for other cause) there shall be substituted the following regulation:—

"*Temporary provision of general medical services*

25.—(1) The provisions of this regulation shall apply in relation to the making of arrangements for the temporary provision of general medical services.

(2) Where a doctor ceases to be included on the medical list or his registration in the register is suspended as mentioned in sections 37(1) or

(a) S.I. 1972/1265 (N.I. 14) as amended by S.I. 1981/432 S.I. 1984/1158 (N.I. 8), 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) Formerly Department of Finance; *see* S.I. 1982/338 (N.I. 6) Art 3.
(c) S.R. & O. (N.I.) 1973 No 421 to which there are amendments not relevant to the subject matter of these regulations.

(2), 38(1) and 42(3)(*b*) of the Medical Act 1983(**a**), the Board after consultation with the Local Medical Committee may—

(*a*) make arrangements for the temporary provision of general medical services for that doctor's patients, which arrangements may consist of or include the appointment of one or more doctors to undertake the treatment of such persons;

(*b*) where a doctor included on the medical list by virtue of regulation 4(1)(*a*) ceases by reason of death to be so included and within 7 days of the date of death any person applies to the Board in writing on behalf of the estate of that doctor for the appointment of one or more named doctors, appoint one or more of the named doctors to undertake the treatment of the deceased doctor's patients.

(3) The Board may make such arrangements as it thinks fit for the accommodation and other needs of any doctor appointed under paragraph (2) and, in the case of any doctor appointed under paragraph (2)(*b*), shall where practicable first consult any person who applied to it for the appointment of that doctor.

(4) Subject to paragraph (10), arrangements under paragraph (2) shall subsist for such period as the Board may determine, but not beyond the date on which the vacancy is filled or the suspension referred to in paragraph (2) ceases to have effect.

(5) Where it appears to a Board, after consultation with the Local Medical Committee, that a doctor is incapable of carrying out adequately his obligations under the terms of service because of his physical or mental condition, it may require him to be medically examined.

(6) Where a Board is satisfied—

(*a*) after receiving from the Local Medical Committee a report under paragraph (9) that because of his physical or mental condition; or

(*b*) that because of continued absence,

a doctor's obligations under the terms of service are not being carried out adequately, it may, after consultation with the Local Medical Committee and with the consent of the Department, make arrangements for the temporary provision of general medical services for that doctor's patients, which arrangements may consist of or include the appointment of one or more doctors to undertake the treatment of such persons.

(7) Subject to paragraph (10), arrangements under paragraph (6) shall subsist for such period as the Board may determine, but not, in a case to which paragraph (6)(*a*) applies, beyond the date on which the Board is satisfied, after consulting the Local Medical Committee, that the doctor is fit to resume his practice.

(8) A Board may, before varying or terminating any arrangements made under paragraph (6) but after consulting the Local Medical Committee, require the doctor to be medically examined.

(9) A doctor required under this regulation to be medically examined shall submit himself for medical examination by a doctor appointed by the

(**a**) 1983 c. 54