1990 No. 361

HEALTH AND PERSONAL SOCIAL SERVICES

General Medical and Pharmaceutical Services (Amendment No. 2) Regulations (Northern Ireland) 1990

Made . . . . . *4th October 1990*

Coming into operation . . *29th October 1990*

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(**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 the said 1972 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) 1990, and shall come into operation on 29th October 1990.

(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 of regulation 3B of the principal regulations

2. In regulation 3B(1) (minor surgery list) for the words "minor surgery services" there shall be substituted the words "all of the procedures listed in Schedule 1F."

Amendment of Schedule 1 to the principal regulations

3. In Schedule 1 (terms of service for doctors)—

(*a*) in paragraph 4C after sub-paragraph (2) there shall be inserted the following sub-paragraph:—

"(3) Nothing in paragraph 4A(*b*) or in this paragraph shall prevent any doctor performing, in the course of providing general medical services (otherwise than by way of minor surgery services) to a patient, a procedure described in Schedule 1F.";

(**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. 1988/2249 (N.I. 24)

(**b**) Formerly Department of Finance: *see* S.I. 1982/338 (N.I. 6) Art. 3

(**c**) S.R. & O. (N.I.) 1973 No. 421. The relevant amending regulations are S.R. 1989 No. 454

(*b*) in paragraph 8C—

(i) in sub-paragraph (1)(*b*)(i) after the word "doctor" there shall be added the words "in the course of his provision of general medical services",

(ii) in sub-paragraph (5)(*b*)(i) the words "height, weight and" shall be deleted,

(iii) in sub-paragraph (5)(*b*), after sub-head (ii) there shall be inserted the following sub-head:—

"(iii) the measurement necessary to detect any changes in his body mass;",

(iv) after sub-paragraph (5) there shall be inserted the following sub-paragraph:—

"(6) In this paragraph "body mass" means the figure produced by dividing the number of kilograms in the patient's weight by the square of the number of metres in his height.";

(*c*) in paragraph 16A—

(i) sub-paragraph (7)(*c*) shall be deleted,

(ii) after sub-paragraph (14) there shall be inserted the following sub-paragraphs:—

"(15) A doctor may apply to the Board for a variation of the times and places at which, in accordance with a determination under this paragraph ("the earlier determination"), he is required to be normally available, and sub-paragraphs (2) to (13) shall apply to the making and determination ("the subsequent determination") of an application under this sub-paragraph as if it were the first application by that doctor for the purposes of this paragraph.

(16) Where an application made under sub-paragraph (15) is approved or is approved subject to conditions, for the purposes of sub-paragraphs (1) and (14) the earlier determination mentioned in sub-paragraph (15) shall cease to have effect and the subsequent determination mentioned in that sub-paragraph shall have effect instead—

(*a*) where the subsequent determination is made by the Board and no appeal is made, from the day falling 8 weeks after that date on which the doctor receives notification of the Board's determination;

(*b*) where the subsequent determination is made on appeal, from the day falling 8 weeks after the date on which the doctor receives notification of the Department's determination.

(17) Where it appears to the Board that a doctor's hours of availability are allocated for the purposes of sub-paragraph (2)(*b*) in a manner which may no longer be convenient to his patients, it may, subject to sub-paragraph (24), review the terms of—

(*a*) any approval granted under sub-paragraph (9)(*a*) or (*b*); or

(*b*) any direction given under sub-paragraph (19)(*a*);

by the Board or the Department as to such allocation.