
STATUTORY INSTRUMENTS

1997 No. 1177 (N.I. 7)

**The Health Services (Primary Care)
(Northern Ireland) Order 1997**

- - - - - 8th April 1997

**PART I
INTRODUCTORY**

Title and commencement

1.—(1) This Order may be cited as the Health Services (Primary Care) (Northern Ireland) Order 1997.

(2) This Order shall come into operation on such day or days as the Department may by order appoint^{F1}.

(3) The Department may not make an order under paragraph (2) bringing Article 21 into operation unless it is satisfied, having regard in particular to reviews of pilot schemes which have been conducted under Article 9, that it would be in the interests of any part of the [^{F2}health care] to bring Article 21 into operation.

(4) An order under paragraph (2) may contain such transitional provisions or savings as the Department considers appropriate.

(5) A board or [^{F3}HSC trust] is to be taken as having, at any time before the coming into operation of any provision of this Order, power to prepare for that coming into operation.

F1 partly exercised by SR 1997/524;1998/301;2004/133

F2 Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 1\(1\)\(b\)](#) (with Sch. 6 para. 1(3)); S.R. 2009/114, [art. 2](#)

F3 Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 1\(1\)\(d\)](#) (with Sch. 6 para. 1(3)); S.R. 2009/114, [art. 2](#)

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) Subject to paragraph (3), this Order is to be read as one with the 1972 Order.

(3) In this Order—

“board” means a Health and Social Services Board;

“the 1972 Order” means the Health and Personal Social Services (Northern Ireland) Order 1972;

“pilot scheme” and “piloted services” have the meaning given in Article 3;

“regulations” means regulations under this Order.

(4) Except in Articles 15B and 15D of the 1972 Order—

- (a) references in any statutory provision to arrangements made under Article 15B of the 1972 Order are to be read, except where the context otherwise requires, as including references to pilot schemes; and
- (b) references in any statutory provision to services under Article 15B of the 1972 Order, or to services provided in accordance with arrangements made under that Article, are to be read, except where the context otherwise requires, as including references to piloted services.

^{F4}PART II

PILOT SCHEMES FOR PRIMARY CARE

F4 Pt. II (arts. 3-20) repealed (prosp.) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2008 \(c. 2\), ss. 17, 18\(2\)\(b\), Sch. 2 Pt. 2](#)

Modifications etc. (not altering text)

C1 Pt. II (arts. 3-20) modified (prosp.) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2008 \(c. 2\), ss. 6, 18\(2\)\(a\)](#)

Preparation and making of pilot schemes

Pilot schemes

3.—(1) In this Order “pilot scheme” means one or more agreements made by a board with respect to its area and in accordance with this Part under which—

- (a) personal medical services are provided (otherwise than by the board); or
- (b) personal dental services are provided (otherwise than by the board).

(2) A pilot scheme may not combine arrangements for the provision of personal medical services with arrangements for the provision of personal dental services.

(3) A pilot scheme may include arrangements for the provision of [^{F5}health care]—

- (a) which are not personal medical services or personal dental services; but
- (b) which may be provided under Part II of the 1972 Order.

(4) In this Order “piloted services” means services provided in accordance with a pilot scheme (including any services to which the scheme applies by virtue of paragraph (3)).

(5) Except to such extent as may be prescribed—

- (a) a patient for whom personal medical services are provided under a pilot scheme is not to count as a person for whom arrangements must be made by the board concerned under Article 56 of the 1972 Order;
- (b) a patient for whom personal dental services are provided under a pilot scheme is not to count as a person for whom arrangements must be made by the board concerned under Article 61 of the 1972 Order.

(6) The functions of an [^{F6}HSC trust] include power to provide piloted services, and to do so as a member of a qualifying body (within the meaning of Article 4 or 5).

(7) For the purposes of this Part—

“personal medical services” means medical services of a kind that may be provided by a general medical practitioner in accordance with arrangements made under Part VI of the 1972 Order; and

“personal dental services” means dental services of a kind that may be provided by a general dental practitioner in accordance with arrangements made under Part VI of the 1972 Order.

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| F5 | Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 1(1)(b) (with Sch. 6 para. 1(3)); S.R. 2009/114, art. 2 |
| F6 | Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 1(1)(d) (with Sch. 6 para. 1(3)); S.R. 2009/114, art. 2 |

Provision of personal medical services under a pilot scheme

4.—(1) This Article applies to any pilot scheme under which personal medical services are provided.

(2) An agreement which constitutes, or is one of the agreements which together constitute, a pilot scheme may be made by a board only with one or more of the following—

- (a) an [^{F7}HSC trust];
- (b) a suitably experienced medical practitioner;
- (c) an [^{F8}HSC employee] or a pilot scheme employee;
- (d) a qualifying body;
- (e) an individual who is providing personal medical services under that or another pilot scheme.

(3) In this Article—

“ [^{F8}HSC employee]” means an individual who, in connection with the provision of [^{F9}health care], is employed by—

- (a) an [^{F7}HSC trust];
- (b) a medical practitioner whose name is included in a medical list; or
- (c) a medical practitioner who is providing personal medical services in accordance with a pilot scheme;

“pilot scheme employee” means an individual who, in connection with the provision of personal medical services in accordance with a pilot scheme, is employed by an individual providing those services;

“qualifying body” means a company which is limited by shares all of which are legally and beneficially owned by persons falling within sub-paragraph (a), (b), (c) or (e) of paragraph (2).

(4) For the purposes of this Article, a medical practitioner is suitably experienced if he is suitably experienced for the purposes of Article 12 of this Order or Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1978.

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| F7 | Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 1(1)(d) (with Sch. 6 para. 1(3)); S.R. 2009/114, art. 2 |
| F8 | Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 1(1)(f) (with Sch. 6 para. 1(3)); S.R. 2009/114, art. 2 |

F9 Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 1\(1\)\(b\)](#) (with Sch. 6 para. 1(3)); S.R. 2009/114, [art. 2](#)

Provision of personal dental services under a pilot scheme

5.—(1) This Article applies to any pilot scheme under which personal dental services are provided.

(2) An agreement which constitutes, or is one of the agreements which together constitute, a pilot scheme may be made by a board only with one or more of the following—

- (a) an ^{F10}HSC trust];
- (b) a dental practitioner whose name is included in a dental list;
- (c) an ^{F11}HSC employee] or a pilot scheme employee;
- (d) a qualifying body;
- (e) an individual who is providing personal dental services under that or another pilot scheme.

(3) In this Article—

“dental list” means a list prepared in accordance with regulations under Article 61(2)(a) of the 1972 Order;

“^{F11}HSC employee” means an individual who, in connection with the provision of ^{F12}health care], is employed by—

- (a) an ^{F10}HSC trust];
- (b) a dental practitioner whose name is included in a dental list; or
- (c) a dental practitioner who is providing personal dental services in accordance with a pilot scheme;

“pilot scheme employee” means an individual who, in connection with the provision of personal dental services in accordance with a pilot scheme, is employed by an individual providing those services;

“qualifying body” means—

- (a) a body corporate which, in accordance with the provisions of Part IV of the Dentists Act 1984, is entitled to carry on the business of dentistry; or
- (b) a company which is limited by shares all of which are legally and beneficially owned by persons falling within sub-paragraph (a), (b), (c) or (e) of paragraph (2).

F10 Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 1\(1\)\(d\)](#) (with Sch. 6 para. 1(3)); S.R. 2009/114, [art. 2](#)

F11 Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 1\(1\)\(f\)](#) (with Sch. 6 para. 1(3)); S.R. 2009/114, [art. 2](#)

F12 Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 1\(1\)\(b\)](#) (with Sch. 6 para. 1(3)); S.R. 2009/114, [art. 2](#)

Proposals for pilot schemes

6.—(1) Before any pilot scheme may be made, the board concerned must prepare proposals for the scheme and submit them to the Department.

(2) A board must prepare and submit such proposals if it is asked to do so by a person—

- (a) who wishes to provide piloted services; and

(b) with whom an agreement which constitutes, or is part of, a pilot scheme may be made; but otherwise a board may not do so.

(3) A request to a board under paragraph (2) must—

- (a) be made in writing; and
- (b) comply with such requirements (if any) as may be prescribed.

(4) In preparing proposals for a pilot scheme, a board must comply with any directions given to it by the Department as to the matters to be dealt with, and information to be included, in the proposals.

(5) Before submitting proposals for a pilot scheme, a board must (in addition to complying with any requirements about consultation imposed by or under any other statutory provision) comply with any directions given to it by the Department about the extent to which, and manner in which, it is to consult on the proposals.

(6) The Department may give directions as to—

- (a) the matters to which a board must have regard in making any recommendation to the Department when submitting proposals for a pilot scheme; and
- (b) the form in which any such recommendation is to be made.

Approval of pilot schemes

7.—(1) If proposals for a pilot scheme are submitted to the Department under Article 6, it must—

- (a) approve them as submitted;
- (b) make such modifications as it considers appropriate and approve them as modified; or
- (c) reject them.

(2) The Department may not approve proposals for a pilot scheme unless it is satisfied that they include satisfactory provision for any participant other than the board to withdraw from the scheme if he wishes to do so.

(3) Where—

- (a) the Department intends to approve proposals for a pilot scheme; and
- (b) it appears to the Department that the effect of implementing the proposals would be to increase or reduce the number of general medical practitioners in the area of the board concerned,

the Department must have regard to the effect that the proposals, as the Department intends to approve them, are likely to have on the distribution of general practitioners in Northern Ireland.

(4) The Department must notify the board concerned, in writing, of any decision made under this Article.

(5) In this Article “general practitioner” means any, medical practitioner who is providing general medical services or performing personal medical services.

Making of pilot schemes

8.—(1) If the Department approves proposals for a pilot scheme and notifies the board concerned in accordance with Article 7, the board must implement the proposals in accordance with directions given by the Department.

(2) A proposed participant in a pilot scheme (other than the board concerned) may withdraw at any time before the proposals relating to him are implemented.

(3) A pilot scheme, as implemented, may differ from the proposals for the scheme approved by the Department only if the Department agrees to the variation or—