STATUTORY INSTRUMENTS

1986 No. 2023 (N.I. 20)

The Health and Personal Social Services (Amendment) (Northern Ireland) Order 1986

- - - - - - 25th November 1986

Title and commencement

1.—(1) This Order may be cited as the Health and Personal Social Services (Amendment) (Northern Ireland) Order 1986.

(2) Except as provided by paragraphs (3) and (4), this Order shall come into operation on the expiration of two months from the day on which it is made.

Para. (3) rep. by 1991 NI 1

(4) Article 5 shall come into operation on such day as the Head of the Department may by order appoint[F1].

Annotations:
F1 fully exercised by SR 1987/200

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) In this Order—

"Board" means a Health and Social Services Board established under Article 16 of the principal Order;

"the Department" means the Department of Health and Social Services;

Definitions rep. by 1991 NI 1

"the principal Order" means the Health and Personal Social Services (Northern Ireland) Order 1972.

Arts. 3, 4 rep. by 1991 NI 1

Pharmaceutical services

5.—(1) In Article 63 of the principal Order (arrangements for pharmaceutical services), for paragraph (2) (regulations relating to such arrangements) there shall be substituted the following paragraphs—

"(2) Regulations shall provide for securing that arrangements made by a Health and Social Services Board under paragraph (1) will enable persons in the Board's area for whom drugs, medicines or appliances mentioned in that paragraph are ordered as there mentioned to receive them from persons with whom such arrangements have been made.

(2A) The regulations shall include provision—

(a) for the preparation, publication and maintenance of lists of persons, other than medical practitioners and dental practitioners, who undertake to provide pharmaceutical services;

(b) that an application to a Health and Social Services Board for inclusion in such a list shall be made in the prescribed manner and shall state—

(i) the services which the applicant will undertake to provide and, if they consist of or include the supply of appliances, which appliances he will undertake to supply; and

(ii) the premises from which he will undertake to provide those services;

(c) that, except in prescribed cases—

(i) an application for inclusion in such a list by a person not already included; and

(ii) an application by a person already included in such a list for inclusion also in respect of services or premises other than those already listed in relation to him,

shall be granted only if the Health and Social Services Board is satisfied, in accordance with the regulations, that it is necessary or desirable to grant it in order to secure in the neighbourhood in which the premises are located the adequate provision by persons included in the list of the services or some of the services, specified in the application; and

(d) for the removal of an entry in respect of premises from a list if it has been determined in the prescribed manner that the person to whom the entry relates—

(i) has never provided from those premises, or

(ii) has ceased to provide from them,

the services, or any of the services, which he is listed as undertaking to provide from them.

(2B) The regulations may include provision—

(a) that an application to a Health and Social Services Board may be granted in respect of some only of the services specified in it;

(b) that an application to a Health and Social Services Board relating to services of a prescribed description shall be granted only if it appears to the Board that the applicant has satisfied such conditions with regard to the provisions of those services as may be prescribed;

(c) that the inclusion of a person in a list in pursuance of such an application may be for a fixed period;

(d) that, where the premises from which an application states that the applicant will undertake to provide services are in an area of a prescribed description, the applicant shall not be included in the list unless his inclusion is approved by a prescribed body and by reference to a prescribed criterion; and

(e) that the prescribed body may give its approval subject to conditions.