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STATUTORY RULES OF NORTHERN IRELAND

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**2013 No. 301**

**HEALTH AND PERSONAL SOCIAL SERVICES**

**The Health and Personal Social Services (General Medical Services Contracts) (Amendment No. 2) Regulations (Northern Ireland) 2013**

*Made* - - - - *19th December 2013*

*Coming into operation-* *27th December 2013*

The Department of Health, Social Services and Public Safety<sup>(1)</sup> in conjunction with the Department of Finance and Personnel, makes the following Regulations in exercise of the powers conferred by Articles 57A, 57E, 106 and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972<sup>(2)</sup>.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Health and Personal Social Services (General Medical Services Contracts) (Amendment No. 2) Regulations (Northern Ireland) 2013 and shall come into operation on 27th December 2013.

(2) In these Regulations “the principal Regulations” means the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004<sup>(3)</sup>.

**Commencement Information**

**II** Reg. 1 in operation at 27.12.2013, see **reg. 1(1)**

**Amendment of regulation 2 of the principal Regulations**

**F1**2. ....

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(1) See S.I. 1999/283 (N.I. 1) Article 3(6).  
(2) S.I. 1972/1265 (N.I. 14). Articles 57A, and 57E were inserted by S.I. 2004/311 (N.I. 2), Article 4.  
(3) S.R. 2004 No. 140. as amended by S.R. 2004 No. 477, S.R. 2005 No. 230, S.R. 2005 No. 368, S..R. 2006 No. 319 and S.R.2013 No. 59

**F1** Reg. 2 omitted (31.12.2020) by virtue of [The Health Services \(Cross-Border Health Care and Miscellaneous Amendments\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/784\)](#), regs. 1(1), 8; 2020 c. 1, Sch. 5 para. 1(1)

**Amendment of regulation 15 of the principal Regulations**

**F2**3. ....

**F2** Reg. 3 omitted (31.12.2020) by virtue of [The Health Services \(Cross-Border Health Care and Miscellaneous Amendments\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/784\)](#), regs. 1(1), 8; 2020 c. 1, Sch. 5 para. 1(1)

**Amendment of Schedule 4 to the principal Regulations**

**F3**4. ....

**F3** Reg. 4 omitted (31.12.2020) by virtue of [The Health Services \(Cross-Border Health Care and Miscellaneous Amendments\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/784\)](#), regs. 1(1), 8; 2020 c. 1, Sch. 5 para. 1(1)

**Amendment of Schedule 5 to the principal Regulations**

5.—(1) Schedule 5 (Other contractual terms) to the principal Regulations shall be amended as provided in the following paragraphs.

(2) In paragraph 3 (Attendance outside practice premises) after sub-paragraph (3), insert—

“(4) Notwithstanding anything in this paragraph, the contractor shall not be required to attend on a patient or a visiting patient outside Northern Ireland.”.

**F4**(3) .....

**F4**(4) .....

**F4**(5) .....

**F4**(6) .....

(7) For paragraph 78 substitute—

“**78.**—(1) The contractor shall notify the Board in writing of any person other than a registered patient or a person whom the contractor has accepted as a temporary resident to whom he has provided the essential services described in regulation 15(6) or 98) within the period of 28 days beginning on the day that services were provided.

(2) The contractor shall notify the Board in writing of any visiting patient to whom the contractor has provided services under regulation 15(3) or (5) within the period of 28 days beginning on the day that the services were provided.”.

**F4** Reg. 5(3)-(6) omitted (31.12.2020) by virtue of [The Health Services \(Cross-Border Health Care and Miscellaneous Amendments\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/784\)](#), regs. 1(1), 8; 2020 c. 1, Sch. 5 para. 1(1)

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**Changes to legislation:** *There are currently no known outstanding effects for the The Health and Personal Social Services (General Medical Services Contracts) (Amendment No. 2) Regulations (Northern Ireland) 2013. (See end of Document for details)*

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**Commencement Information**

**I2** Reg. 5 in operation at 27.12.2013, see [reg. 1\(1\)](#)

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 19th December 2013

(L.S.)

*Heather Stevens*  
A senior officer of the Department of Health,  
Social Services and Public Safety

Sealed with the Official Seal of the Department of Finance and Personnel on 19th December 2013

(L.S.)

*John McKibbin*  
A senior officer of the Department of Finance  
and Personnel

**Changes to legislation:** There are currently no known outstanding effects for the The Health and Personal Social Services (General Medical Services Contracts) (Amendment No. 2) Regulations (Northern Ireland) 2013. (See end of Document for details)

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004, “the GMS Contract Regulations”, to give effect to Directive 2011/24/EU of the European Parliament and of the Council of 9th March 2011 on the application of patients’ rights in cross-border healthcare, in particular Article 4 (Responsibilities of the Member State of treatment), in domestic law.

Regulation 2 provides a definition of Visiting Patient and highlights that are two routes by which a person exercising rights under the Directive can become a visiting patient. The first route is under Paragraph 15A of Schedule 5 of the GMS Contract Regulations, (inserted by regulation 5(3) of these Regulations), where the person exercising rights under the Directive is accepted by the contractor for services under regulation 15(3) and (5) of the GMS Regulations, that is to say “essential services”. The second route is under Paragraph 32A of Schedule (5) of the GMS Contract Regulations, (inserted by regulation 5(4) of these Regulations), where the person exercising rights under the Directive contacts the Regional Health and Social Care Board and requests assignment to a contractor for essential services.

Regulation 3 includes the visiting patient amongst the patients whom a contractor is to provide the essential services set out at regulation 15(3) and (5) of the GMS Contracts Regulations.

Regulation 4, amends Schedule 4 to ensure that the contractor can demand and accept a fee, as determined by the Department of Health Social Services and Public Safety, where treatment has been provided to a visiting patient under regulation 15(3) or (5) of the GMS Regulations.

Regulation 5 makes other amendments to Schedule 5 of the GMS Contracts Regulations, including provision that a contractor is not required to attend on a patient or a visiting patient outside Northern Ireland. Provision is also included so that in relation to a visiting patient, prescriptions are to be via a private arrangement.

**Changes to legislation:**

There are currently no known outstanding effects for the The Health and Personal Social Services (General Medical Services Contracts) (Amendment No. 2) Regulations (Northern Ireland) 2013.