

*These notes refer to the Health (Miscellaneous Provisions) Act (Northern Ireland) 2008 (c.2) which received Royal Assent on 25 February 2008*

# Health (Miscellaneous Provisions) Act (Northern Ireland) 2008

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## **EXPLANATORY NOTES**

### **COMMENTRY ON SECTIONS**

#### ***Section 1: Persons performing primary medical services – listing subject to conditions***

Section 1 amends Article 57G of the 1972 Order to provide that a person's inclusion or continued inclusion on the list of persons performing primary medical services may be subject to conditions determined by a Board.

#### ***Sections 2 – 7: Provision of dental services***

Sections 2 to 7 introduce a new specific duty on each Health and Social Services Board to provide or secure the provision of primary dental services within its area to the extent that it considers necessary to meet all reasonable requirements. New Articles 61 to 61 F are inserted into the 1972 Order. These govern the terms and content of the new general dental services contract and who may provide or perform primary dental services under such a contract. They also provide regulation making powers which will be used to set out the detail of the rights and obligations under the new contract and also to prescribe the ways in which persons performing primary dental services are to be listed. The new arrangements also prescribe the way in which patient charges can be made and recovered for dental services and set out dental charging exemptions.

#### ***Section 8: Ophthalmic services***

Section 8 inserts new Article 62A into the 1972 Order providing regulation making powers to prescribe the ways in which persons performing any general ophthalmic services are to be listed and the criteria an individual will have to meet in order to be listed. It also provides regulation making powers in respect of suspension from a list by a Board and for a practitioner's inclusion or continued inclusion on a list to be subject to conditions determined by a Board.

#### ***Section 9: Local Optical Committees***

Section 9 amends Article 55 of the 1972 Order to allow Ophthalmic Medical Practitioners to be members of Local Optical Committees.

***Section 10: Pharmaceutical services***

Section 10 inserts new Article 63AA into the 1972 Order making similar provisions for persons providing pharmaceutical services as Section 8 does for ophthalmic services.

***Section 11: Disqualification by the Tribunal***

Section 11 introduces the amendments to Schedule 11 of the 1972 Order (disqualification by the Tribunal) as set out in Schedule 1.

***Section 12: Charges for services provided to persons not ordinarily resident in Northern Ireland***

Section 12 provides regulation making powers in relation to health services charges and exemption from charges for persons not ordinarily resident in Northern Ireland. This will allow the Department to consider exemption from charges to overseas visitors on humanitarian grounds. This exemption would be considered if an overseas visitor, who had been granted leave to enter Northern Ireland for a course of treatment, applied for exemption of charges.

***Section 13: Retirement of practitioners***

Section 13 repeals Article 4 of the Health and Medicines (Northern Ireland) Order 1988 which empowered the Department to make regulations specifying the age at which general medical practitioners and dentists must retire from practice. This is within the spirit of the EC Directive regarding discrimination on grounds of age in the field of employment.

***Section 14: Minor and consequential amendments***

Section 14 makes minor and consequential amendments to the 1972 Order.

***Section 15: Interpretation***

Section 15 defines some of the terms used in the Act.

***Sections 16 and 17: Supplementary provisions***

Sections 16 and 17 contain supplementary provisions.

***Sections 18 and 19: Commencement and Short title***

Sections 18 and 19 set out the arrangements for commencement of the provisions and the short title of the Act.

***Schedule 1: Disqualification by the Tribunal***

Schedule 1 makes a number of changes to Schedule 11 to the 1972 Order, which relates to the Tribunal. The Schedule introduces an additional ground under which the Tribunal may deal with a practitioner, namely “unsuitability by reason of professional or personal conduct”. This will add a third condition

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for disqualification to the two existing disqualification conditions of fraud and prejudice to the efficiency of the relevant service. The Schedule extends the categories of person subject to the Tribunal's jurisdiction to embrace all practitioners, including those who assist in the provision of services and those wishing to join a Board's list.

***Schedule 2: Repeals***

Schedule 2 sets out the provisions that are repealed by the Act.