
STATUTORY INSTRUMENTS

1972 No. 1265

Health and Personal Social Services (Northern Ireland) Order 1972

PART II

MAIN FUNCTIONS OF THE MINISTRY

Provision of accommodation and medical services, etc.

5.—(1) The Ministry shall provide throughout Northern Ireland, to such extent as it considers necessary, accommodation and services of the following descriptions—

- (a) hospital accommodation, including accommodation within the meaning of^[F1] Article 110 of the Mental Health Order];
- (b) premises, other than hospitals, at which facilities are available for all or any of the services provided under this Order ^[F2]or the 2009 Act];
- (c) medical, nursing and other services whether in such accommodation or premises, in the home of the patient or elsewhere.

(2) In addition to its functions under paragraph (1), the Ministry may provide such other accommodation and services not otherwise specifically provided for by this Order ^[F2]or the 2009 Act] as it considers conducive to efficient and sympathetic working of any hospital or service under its control, and, in relation to any person and notwithstanding anything contained in ^[F3]section 2(1) (a) of the 2009 Act], to provide or arrange for the provision of such accommodation or services, and in connection therewith, to incur such expenditure as is necessary or expedient on medical grounds.

(3) Where accommodation or premises provided under this Article afford facilities for the provision of^[F4] primary medical services, of general] dental or ophthalmic services or of pharmaceutical services, they shall be made available for those services on such terms and conditions as the Ministry may determine.

(4) The Ministry may permit any person to whom this paragraph applies to use for the purpose of private practice, on such terms and conditions as the Ministry may determine, the facilities available at accommodation or premises provided under this Article.

(5) The persons to whom paragraph (4) applies, being persons who provide services under this Order ^[F2]or the 2009 Act], are as follows:—

- (a) medical practitioners;
- ^[F4](aa) persons providing primary medical services under a general medical services contract or in accordance with Article 15B arrangements;]
- (b) dental practitioners;
- (c) ophthalmic^{F5}. . . opticians;
- (d) pharmacists; and
- (e) such other persons as the Ministry may determine.

Changes to legislation: *Health and Personal Social Services (Northern Ireland) Order 1972, Section 5 is up to date with all changes known to be in force on or before 25 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F1** [1986 NI 4](#)
- F2** Words in art. 5 inserted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009](#) (c. 1), s. 34(3), [Sch. 6 para. 3\(4\)\(a\)](#); S.R. 2009/114, [art. 2](#)
- F3** Words in art. 5(2) substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009](#) (c. 1), s. 34(3), [Sch. 6 para. 3\(4\)\(b\)](#); S.R. 2009/114, [art. 2](#)
- F4** [2004 NI 2](#)
- F5** [1984 NI 8](#)

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- Instrument amended by [1995 c. 51 s.4Sch. para.30](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 56(4C)(4D) substituted by [S.I. 2002/3135 Sch. 1 para. 16](#) (This amendment has not been applied as it has been superceded by the substitution of art. 56 by 2004/311 NI 2 art. 3)
- art. 61-61E and art. 61F and cross-heading substituted for art. 61 by [2008 c. 2 \(N.I.\) s. 2\(2\)](#) (This amending provision is itself amended (13.6.2016) before it comes into force by 2016 c. 26 (N.I.), ss. 9, 20(2))
- art. 98(3) added by [2008 c. 2 \(N.I.\) s. 4\(1\)](#)
- art. 107(1A) inserted by [2008 c. 2 \(N.I.\) s. 4\(4\)\(b\)](#)