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## STATUTORY INSTRUMENTS

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# 1972 No. 1265

## Health and Personal Social Services (Northern Ireland) Order 1972

### PART VI

#### GENERAL HEALTH SERVICES

##### Local representative committees

#### **[<sup>F1</sup>Recognition of]<sup>F2</sup> Local Dental Committees, Local Optical Committees and Local Pharmaceutical Committees]**

*Para. (1) rep. by 2004 NI 2*

(2) [<sup>F3</sup>The Department] may recognise a committee formed for [<sup>F4</sup>an area] which it is satisfied is representative of—

- (a) the dental practitioners providing general dental services in that area;
- (b) those dental practitioners and the deputy dental practitioners for that area; or
- (c) the dental practitioners mentioned in—
  - (i) sub-paragraph (a); or
  - (ii) sub-paragraph (b),

and the Article 15B dental practitioners for that area,

and any committee so recognised shall be called the Local Dental Committee for the area.

(3) Where [<sup>F5</sup>the Department] is satisfied that a committee formed for [<sup>F6</sup>an area] is representative—

- (a) of the [<sup>F7</sup>ophthalmic medical practitioners and] ophthalmic opticians providing general ophthalmic services in that area, or
- (b) of the persons providing pharmaceutical services in that area,

[<sup>F5</sup>the Department] may recognise that committee; and any committee so recognised shall be called the Local Optical Committee or the Local Pharmaceutical Committee, as the case may be, for the area concerned.

(4) Any committee recognised under this Article may with the approval of [<sup>F8</sup>the Department] delegate any of its functions, with or without restrictions or conditions, to sub-committees composed of members of that committee.

(5) For the purposes of this Article and Article 55A, a person who meets the condition in paragraph (6)—

*Sub-paras. (a) and (b) rep. by 2004 NI 2*

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- (c) is a deputy dental practitioner for <sup>F9</sup>an area] if he is a dental practitioner who assists a dental practitioner providing general dental services in that area in the provision of those services <sup>F10</sup> . . . ;
- (d) is an Article 15B dental practitioner for <sup>F11</sup>an area] if he is a dental practitioner who provides or performs personal dental services in accordance with arrangements made under Article 15B by <sup>F12</sup>the Department] (whether with himself or another).
- (6) The condition referred to in paragraph (5) is that the person concerned has notified <sup>F13</sup>the Department] that he wishes to be represented under this Article by the appropriate committee for <sup>F14</sup>the area] (and has not notified it that he wishes to cease to be so represented).
- (7) For the purposes of paragraph (5)—
- (a) a person is to be treated as assisting a <sup>F2</sup>. . . dental practitioner in the provision of services if he is employed by that practitioner for that purpose or if he acts as his deputy in providing those services; <sup>F15</sup> . . .
- (b) <sup>F16</sup> . . . . .]

- F1** 2001 c. 3 (NI)
- F2** 2004 NI 2
- F3** Words in art. 55(2) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 19(2)**; S.R. 2022/102, art. 2(b)
- F4** Words in art. 55(2) substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), **Sch. 6 para. 3(27)(a)**; S.R. 2009/114, **art. 2**
- F5** Words in art. 55(3) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 19(3)**; S.R. 2022/102, art. 2(b)
- F6** Words in art. 55(3) substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), **Sch. 6 para. 3(27)(a)**; S.R. 2009/114, **art. 2**
- F7** Words in art. 55(3)(a) inserted (26.3.2008) by Health (Miscellaneous Provisions) Act (Northern Ireland) 2008 (c. 2), **ss. 9, 18(1)(a)**
- F8** Words in art. 55(4) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 19(4)**; S.R. 2022/102, art. 2(b)
- F9** Words in art. 55(5)(c) substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), **Sch. 6 para. 3(27)(b)(i)**; S.R. 2009/114, **art. 2**
- F10** Words in art. 55(5)(c) repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), **Sch. 6 para. 3(27)(b)(ii)**, **Sch. 7**; S.R. 2009/114, **art. 2**
- F11** Words in art. 55(5)(d) substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), **Sch. 6 para. 3(27)(c)**; S.R. 2009/114, **art. 2**
- F12** Words in art. 55(5) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 19(4)**; S.R. 2022/102, art. 2(b)
- F13** Words in art. 55(6) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 19(4)**; S.R. 2022/102, art. 2(b)
- F14** Words in art. 55(6) substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), **Sch. 6 para. 3(27)(d)**; S.R. 2009/114, **art. 2**
- F15** Art. 55(7)(b) and word repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), **Sch. 6 para. 3(27)(e)**, **Sch. 7**; S.R. 2009/114, **art. 2**
- F16** Art. 55(7)(b) and word repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), **Sch. 6 para. 3(27)(e)**, **Sch. 7**; S.R. 2009/114, **art. 2**

## Functions of<sup>F17</sup> Local Dental Committees, Local Optical Committees and Local Pharmaceutical Committees]

**55A.**—(1) Regulations may require [<sup>F18</sup>the Department] —

- (a) in the exercise of its functions under this Part to consult committees recognised by it under Article 55;
- (b) in the exercise of any of its functions which relate to arrangements under Article 15B to consult committees recognised by it under<sup>F17</sup> Article 55(2)(c)],

on such occasions and to such extent as may be prescribed.

(2) The power conferred by paragraph (1) is without prejudice to [<sup>F19</sup>any other duty on the Department] to consult any committee recognised under Article 55.

(3) Committees recognised under Article 55 shall exercise such other functions as may be prescribed.

(4) A committee recognised for an area under<sup>F17</sup> paragraph (2)(b) or (c)] of Article 55 shall, in respect of each year, determine the amount of its administrative expenses for that year attributable—*Sub-paras. (a) and (b) rep. by 2004 NI 2*

- (c) in the case of a committee recognised under paragraph (2)(b) or (c)(ii) of that Article, to the deputy dental practitioners for the area;
- (d) in the case of a committee recognised under paragraph (2)(c) of that Article, to the Article 15B dental practitioners for the area.

(5) [<sup>F20</sup>The Department] may, on the request of any committee recognised under Article 55 for [<sup>F21</sup>an area], allot to that committee such sums for defraying the committee's administrative expenses as may be determined by [<sup>F22</sup>the Department] .

(6) Any sums so allotted shall be out of the moneys available to [<sup>F23</sup>the Department] for the remuneration of persons of whom the committee so recognised is representative and who provide<sup>F17</sup>. . . , general dental services, general ophthalmic services or pharmaceutical services, as the case may be, under this Part.

(7) The amount of any such sums shall be deducted from the remuneration of those persons in such manner as may be determined by [<sup>F24</sup>the Department] .

(8) Where a committee has made a determination under paragraph (4), it shall apportion the amount so determined among the<sup>F17</sup>. . . , deputy dental practitioners or Article 15B dental practitioners, as the case may be, for the area and each such practitioner shall pay in accordance with the committee's directions the amount so apportioned to him.

(9) References in this Article to administrative expenses of a committee include references to travelling and subsistence allowances payable to its members; but the reference in paragraph (5) to a committee's administrative expenses does not include so much of the committee's administrative expenses as are determined under paragraph (4) to be attributable to any practitioners mentioned in that paragraph.

**F17** 2004 NI 2

**F18** Words in art. 55A(1) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), [Sch. 1 para. 20\(2\)](#); S.R. 2022/102, art. 2(b)

**F19** Words in art. 55A(2) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), [Sch. 1 para. 20\(3\)](#); S.R. 2022/102, art. 2(b)

**F20** Words in art. 55A(5) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), [Sch. 1 para. 20\(4\)\(a\)](#); S.R. 2022/102, art. 2(b)

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- F21** Words in art. 55A(5) substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), **Sch. 6 para. 3(28)**; S.R. 2009/114, **art. 2**
- F22** Words in art. 55A(5) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 20(4)(b)**; S.R. 2022/102, art. 2(b)
- F23** Words in art. 55A(6) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 20(5)**; S.R. 2022/102, art. 2(b)
- F24** Words in art. 55A(7) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 20(5)**; S.R. 2022/102, art. 2(b)

## **[<sup>F25</sup>Local Medical Committees**

**55B.**—(1) [<sup>F26</sup>The Department] may recognise a committee [<sup>F27</sup>formed for an area], which it is satisfied is representative of—

- (a) the persons to whom paragraph (2) applies; and
  - (b) the persons to whom paragraph (3) applies.
- (2) This paragraph applies to—
- (a) every medical practitioner who, under a general medical services contract entered into by him, is providing primary medical services in the area for which the committee is formed; and
  - (b) every medical practitioner who is providing general ophthalmic services in that area.
- (3) This paragraph applies to every other medical practitioner—
- (a) who is performing primary medical services in the area for which the committee is formed;
    - (i) pursuant to Article 56(2)(a);
    - (ii) in accordance with Article 15B arrangements; or
    - (iii) under a general medical services contract; and
  - (b) who has notified [<sup>F28</sup>the Department] that he wishes to be represented by the committee (and has not notified it that he wishes to cease to be so represented).
- (4) A committee recognised under this Article shall be called the Local Medical Committee for the area for which it is formed.
- (5) Any such committee may delegate any of its functions, with or without restrictions or conditions, to sub-committees composed of members of that committee.
- (6) Regulations may require [<sup>F29</sup>the Department] , in the exercise of its functions relating to primary medical services, to consult any committee recognised by it under this Article on such occasions and to such extent as may be prescribed.
- (7) A committee recognised under this Article shall have such other functions as may be prescribed.
- (8) A committee recognised under this Article shall in respect of each year determine—
- (a) the amount of its administrative expenses for that year attributable to persons of whom it is representative under paragraph (1)(a); and
  - (b) the amount of its administrative expenses for that year attributable to persons of whom it is representative under paragraph (1)(b).
- (9) [<sup>F30</sup>The Department] may—
- (a) on the request of a committee recognised by it, allot to that committee such sums for defraying the expenses referred to in paragraph (8)(a) as it may determine; and

(b) deduct the amount of such sums from the remuneration of persons of whom it is representative under paragraph (1)(a) under the general medical services contracts, or arrangements under Article 62, entered into by them with [F31 the Department] .

(10) A committee recognised under this Article shall apportion the amount determined by it under paragraph (8)(b) among the persons of whom it is representative under paragraph (1)(b); and each such person shall pay in accordance with the committee's directions the amount so apportioned to him.

(11) References in this Article to the administrative expenses of a committee include the travelling and subsistence allowances payable to its members.]

**F25** 2004 NI 2

**F26** Words in art. 55B(1) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), [Sch. 1 para. 21\(2\)](#); S.R. 2022/102, art. 2(b)

**F27** Words in art. 55B(1) substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009](#) (c. 1), s. 34(3), [Sch. 6 para. 3\(29\)](#); S.R. 2009/114, art. 2

**F28** Words in art. 55B(3)(b) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), [Sch. 1 para. 21\(3\)](#); S.R. 2022/102, art. 2(b)

**F29** Words in art. 55B(6) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), [Sch. 1 para. 21\(4\)](#); S.R. 2022/102, art. 2(b)

**F30** Words in art. 55B(9) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), [Sch. 1 para. 21\(5\)\(a\)](#); S.R. 2022/102, art. 2(b)

**F31** Words in art. 55B(9) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), [Sch. 1 para. 21\(5\)\(b\)](#); S.R. 2022/102, art. 2(b)

[F32 Primary medical services ]

**F32** 2004 NI 2

### [F33 Primary medical services

**56.**—(1) [F34 The Department] shall, to the extent that it considers necessary to meet all reasonable requirements, F35 ... provide primary medical services F36 ... , or secure their provision F36 ... .

(2) [F37 The Department] may (in addition to any other power conferred on it)—

(a) provide primary medical services itself F38 ... ;

(b) make such arrangements for their provision F38 ... as it thinks fit, and may in particular make contractual arrangements with any person.

(3) [F39 The Department] shall publish information about such matters as may be prescribed in relation to the primary medical services provided under this Part.

(4) A body on which functions are conferred under this Article shall co-operate with any other such body in the discharge of their respective functions relating to the provision of primary medical services under this Part.

(5) Regulations may provide that services of a prescribed description are, or are not, to be regarded as primary medical services for the purposes of this Part.

(6) Regulations under this Article may in particular describe services by reference to the manner or circumstances in which they are provided.]

**F33** 2004 NI 2

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- F34** Words in art. 56(1) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 22(2)(a)**; S.R. 2022/102, art. 2(b)
- F35** Words in art. 56(1) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 22(2)(b)**; S.R. 2022/102, art. 2(b)
- F36** Words in art. 56(1) repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), Sch. 6 para. 3(30)(a), **Sch. 7**; S.R. 2009/114, **art. 2**
- F37** Words in art. 56(2) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 22(3)**; S.R. 2022/102, art. 2(b)
- F38** Words in art. 56(2) repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), Sch. 6 para. 3(30)(b), **Sch. 7**; S.R. 2009/114, **art. 2**
- F39** Words in art. 56(3) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 22(4)**; S.R. 2022/102, art. 2(b)

[<sup>F40</sup> General medical services contracts

**F40** 2004 NI 2

### General medical services contracts: introductory

**57.—**(1) [<sup>F41</sup>The Department] may enter into a contract under which primary medical services are provided in accordance with the following provisions of this Part.

(2) A contract under this Article is called in this Order a “general medical services contract”.

(3) Subject to any provision made by or under this Part, a general medical services contract may make such provision as may be agreed between [<sup>F42</sup>the Department] and the contractor or contractors in relation to—

- (a) the services to be provided under the contract,
- (b) remuneration under the contract, and
- (c) any other matters.

(4) The services to be provided under a general medical services contract may include—

- (a) services which are not primary medical services;
- (b) <sup>F43</sup> .....

(5) In this Part, “contractor”, in relation to a general medical services contract, means any person entering into the contract with [<sup>F44</sup>the Department] .

- F41** Words in art. 57(1) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 23(2)**; S.R. 2022/102, art. 2(b)
- F42** Words in art. 57(3) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 23(3)**; S.R. 2022/102, art. 2(b)
- F43** Art. 57(4)(b) repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), Sch. 6 para. 3(31), **Sch. 7**; S.R. 2009/114, **art. 2**
- F44** Words in art. 57(5) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 23(3)**; S.R. 2022/102, art. 2(b)

### Requirement to provide certain primary medical services

**57A.—**(1) A general medical services contract shall require the contractor or contractors to provide, for his or their patients, primary medical services of such descriptions as may be prescribed.

(2) Regulations under paragraph (1) may in particular describe services by reference to the manner or circumstances in which they are provided.

### Persons eligible to enter into general medical services contracts

**57B.**—(1) [<sup>F45</sup>The Department] may, subject to such conditions as may be prescribed, enter into a general medical services contract with—

- (a) a medical practitioner;
  - (b) two or more individuals practising in partnership where the conditions in paragraph (2) are satisfied; or
  - (c) a company limited by shares where the conditions in paragraph (3) are satisfied.
- (2) The conditions referred to in paragraph (1)(b) in relation to a partnership are that—
- (a) at least one partner is a medical practitioner; and
  - (b) any partner who is not a medical practitioner is either—
    - (i) an [<sup>F46</sup>HSC employee];
    - (ii) an Article 15B employee, a section 28C employee or a section 17C employee;
    - (iii) a health care professional who is engaged in the provision of services under this Order; or
    - (iv) an individual falling within Article 15C(1)(b)(iii).

(3) The conditions referred to in paragraph (1)(c) in relation to a company are that—

- (a) at least one share in the company is legally and beneficially owned by a medical practitioner; and
- (b) any share which is not so owned is legally and beneficially owned by a person referred to in paragraph (2)(b)(i) to (iv).

(4) Regulations may make provision as to the effect, in relation to a general medical services contract entered into by individuals practising in partnership, of a change in the membership of the partnership.

(5) In this Article—

“health care professional” has the same meaning as in Article 15C;

“ [<sup>F46</sup>HSC employee]”, “Article 15B employee”, “section 28C employee” and “section 17C employee” have the same meaning as in Article 15C.

**F45** Words in art. 57B(1) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 24](#); S.R. 2022/102, art. 2(b)

**F46** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), s. 34(3), [Sch. 6 para. 1\(1\)\(f\)](#); S.R. 2009/114, [art. 2](#)

### General medical services contracts: payments

**57C.**—(1) The Department may [<sup>F47</sup>make a scheme providing for] payments to be made under general medical services contracts.

(2) A general medical services contract must require payments to be made under the contract in accordance with [<sup>F48</sup>any scheme] for the time being in force under this Article.

(3) Without prejudice to the generality of the power under paragraph (1) [<sup>F49</sup>a scheme] under that paragraph may—



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- (a) provide for payments to be made by reference to compliance with standards or the achievement of levels of performance;
  - (b) provide for payments to be made by reference to—
    - (i) [F50any method of calculation] or scale specified in the [F51scheme] ; or
    - (ii) a determination made by any person in accordance with factors specified in the [F51scheme] ;
  - (c) provide for the making of payments in respect of individual practitioners;
  - (d) provide that the whole or any part of a payment is subject to conditions (and may provide that payments are payable by [F52the Department] only if it is satisfied as to certain conditions)
  - (e) make provision having effect from a date before the date of the [F51scheme] , provided that, having regard to the [F51scheme] as a whole, the provision is not detrimental to the persons to whose remuneration it relates.
- (4) Before [F53making a scheme] under paragraph (1), the Department—
- (a) shall consult any body appearing to it to be representative of persons to whose remuneration the [F54scheme] would relate, and
  - (b) may consult such other persons as it thinks appropriate.
- [
- <sup>F55</sup>(4A) The Department must publish a scheme under paragraph (1) in such manner as it thinks appropriate.]
- (5) References in this Article to payments include fees, allowances, reimbursements, loans and repayments.

- F47** Words in art. 57C(1) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), **Sch. 1 para. 25(2)** (with Sch. 4 para. 4); S.R. 2022/102, art. 2(b)
- F48** Words in art. 57C(2) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), **Sch. 1 para. 25(3)** (with Sch. 4 para. 4); S.R. 2022/102, art. 2(b)
- F49** Words in art. 57C(3) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), **Sch. 1 para. 25(4)(a)** (with Sch. 4 para. 4); S.R. 2022/102, art. 2(b)
- F50** Words in art. 57C(3)(b)(i) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), **Sch. 1 para. 25(4)(c)** (with Sch. 4 para. 4); S.R. 2022/102, art. 2(b)
- F51** Word in art. 57C(3) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), **Sch. 1 para. 25(4)(b)** (with Sch. 4 para. 4); S.R. 2022/102, art. 2(b)
- F52** Words in art. 57C(3)(d) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), **Sch. 1 para. 25(4)(d)** (with Sch. 4 para. 4); S.R. 2022/102, art. 2(b)
- F53** Words in art. 57C(4) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), **Sch. 1 para. 25(5)(a)** (with Sch. 4 para. 4); S.R. 2022/102, art. 2(b)
- F54** Word in art. 57C(4)(a) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), **Sch. 1 para. 25(5)(b)** (with Sch. 4 para. 4); S.R. 2022/102, art. 2(b)
- F55** Art. 57C(4A) inserted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), **Sch. 1 para. 25(6)** (with Sch. 4 para. 4); S.R. 2022/102, art. 2(b)

### General medical services contracts: prescription of drugs, etc.

**57D.—**(1) A general medical services contract shall contain provision requiring the contractor or contractors to comply with any directions given by the Department for the purposes of this Article



as to the drugs, medicines or other substances which may or may not be ordered for patients in the provision of medical services under the contract.

(2) A direction under this Article shall, subject to paragraph (3), be given by regulations.

(3) A direction under this Article may be given by an instrument in writing where it gives effect to a request made in writing to the Department by a person who is a holder of a [<sup>F56</sup>EU] marketing authorisation or United Kingdom marketing authorisation in respect of the drug, medicine or other substance to which the request relates.

(4) A direction under this Article given by an instrument in writing may be varied or revoked by a further direction under this Article (whether given by an instrument in writing or by regulations).

(5) In this Article “ [<sup>F57</sup>EU] marketing authorisation” and “United Kingdom marketing authorisation” have the meanings given by [<sup>F58</sup>regulation 8(1) of the Human Medicines Regulations 2012].

**F56** Word in art. 57D(3) substituted (14.8.2012) by [The Human Medicines Regulations 2012 \(S.I. 2012/1916\)](#), reg. 1(2), [Sch. 34 para. 46\(b\)\(i\)](#) (with [Sch. 32](#))

**F57** Word in art. 57D(5) substituted (14.8.2012) by [The Human Medicines Regulations 2012 \(S.I. 2012/1916\)](#), reg. 1(2), [Sch. 34 para. 46\(b\)\(i\)](#) (with [Sch. 32](#))

**F58** Words in art. 57D(5) substituted (14.8.2012) by [The Human Medicines Regulations 2012 \(S.I. 2012/1916\)](#), reg. 1(2), [Sch. 34 para. 46\(b\)\(ii\)](#) (with [Sch. 32](#))

### **General medical services contracts: other required terms**

**57E.**—(1) A general medical services contract shall contain such provision as may be prescribed (in addition to the provision required by the preceding provisions of this Part).

(2) Regulations under paragraph (1) may in particular make provision as to—

- (a) the manner in which, and standards to which, services are to be provided;
- (b) the persons who perform services;
- (c) the persons to whom services are to be provided;
- (d) the variation of contract terms (other than terms required by or under this Part);
- (e) rights of entry and inspection (including inspection of clinical records and other documents);
- (f) the circumstances in which, and the manner in which, the contract may be terminated;
- (g) enforcement;
- (h) the adjudication of disputes.

(3) Regulations making provision under paragraph (2)(c) shall make provision as to the circumstances in which a contractor or contractors—

- (a) shall or may accept a person as a patient to whom services are provided under the contract; or
- (b) may decline to accept a person as such a patient; or
- (c) may terminate his or their responsibility for a patient.

(4) Regulations under paragraph (2)(d) may—

- (a) make provision as to the circumstances in which [<sup>F59</sup>the Department] may impose a variation of contract terms;
- (b) make provision suspending or terminating any duty under the contract to provide services of a prescribed description.

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(5) Regulations making provision of the kind described in paragraph (4)(b) may prescribe services by reference to the manner or circumstances in which they are provided.

(6) Regulations under paragraph (1) shall make provision as to the right of patients to choose the persons from whom they are to receive services.

**F59** Words in art. 57E(4)(a) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 26](#); S.R. 2022/102, art. 2(b)

### General medical services contracts: disputes and enforcement

**57F.**—(1) Regulations may make provision for the resolution of disputes as to the terms of a proposed general medical services contract.

(2) Regulations under paragraph (1) may [<sup>F60</sup>in particular] make provision—

(a) for the referral of the terms of the proposed contract to [<sup>F61</sup>a prescribed body] ; and

(b) for [<sup>F62</sup>that body] to determine the terms on which the contract may be entered into.

[<sup>F63</sup>(2A) Regulations making provision as to the matters referred to in paragraph (2)(a) and (b) may make provision—

(a) as to the members of the body, including the terms and conditions of their appointment;

(b) for the payment of fees and allowances to members of the body.]

(3) Regulations may make provision for a person or persons entering into a general medical services contract to be regarded as a health and [<sup>F64</sup>social care] body for any purposes of Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1991, in circumstances where he or they so elect.

(4) Regulations under paragraph (3) may include provision as to the application of Article 8 of that Order in cases where—

(a) persons practising in partnership elect to become a health and [<sup>F64</sup>social care] body; and

(b) there is a change in the membership of the partnership.

(5) Where—

(a) by virtue of regulations under paragraph (3), paragraph (8) of Article 8 of that Order applies in relation to a general medical services contract, and

(b) a direction as to payments is made under that paragraph in relation to the contract,

the direction is to be enforceable in a county court (if the court so orders) as if it were a judgment or order of that court.]

**F60** Words in art. 57F(2) inserted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 27\(2\)\(a\)](#); S.R. 2022/102, art. 2(b)

**F61** Words in art. 57F(2)(a) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 27\(2\)\(b\)](#); S.R. 2022/102, art. 2(b)

**F62** Words in art. 57F(2)(b) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 27\(2\)\(c\)](#); S.R. 2022/102, art. 2(b)

**F63** Art. 57F(2A) inserted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 27\(3\)](#); S.R. 2022/102, art. 2(b)

**F64** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), s. 34(3), [Sch. 6 para. 1\(1\)\(a\)](#); S.R. 2009/114, art. 2

## [<sup>F65</sup> Persons performing primary medical services

**F65** 2004 NI 2

### Persons performing primary medical services

<sup>F66</sup>**57G.**—(1) Regulations may provide that a health care professional of a prescribed description may not perform any primary medical service for which a Health and Social Services Board is responsible unless that professional is included in a list maintained under the regulations [<sup>F67</sup>by [<sup>F68</sup>the Department]] .

(2) For the purposes of this Article—

- (a) “health care professional” has the same meaning as in Article 15C;
- (b) [<sup>F69</sup>the Department] is responsible for a primary medical service if it provides the service, or secures provision of the service, under or by virtue of Article 56.

(3) Regulations under paragraph (1) may make provision in relation to such lists and in particular as to—

- (a) the preparation, maintenance and publication of a list;
- (b) eligibility for inclusion in a list;
- (c) applications for inclusion (including provision <sup>F70</sup>. . . for the procedure for applications and the documents to be supplied on application);
- (d) the grounds on which an application for inclusion may or must be granted or refused;
- (e) requirements with which a person included in a list must comply (including the declaration of financial interests and gifts and other benefits);
- (f) suspension or removal from a list or references to the Tribunal (including the grounds for and consequences of suspension or removal, or reference);
- (g) circumstances in which a person included in a list may not withdraw from it;
- (h) payments to be made in respect of a person suspended from the list (including provision for the amount of, or the method of calculating, the payment to be determined by the Department, or a person appointed by it);
- (i) the criteria to be applied in making decisions under the regulations;
- (j) appeals [<sup>F71</sup>to a prescribed body] against decisions made by [<sup>F72</sup>the Department] under the regulations;
- (k) disclosure of information about applicants for inclusion, refusals of applications, or suspensions, removals or references.

[<sup>F73</sup>(3A) Regulations under paragraph (1) may, in particular, also provide for—

- (a) a person's inclusion or continued inclusion in a list to be subject to conditions determined by [<sup>F74</sup>the Department] ;
- (b) [<sup>F74</sup>the Department] to vary the conditions or impose different ones;
- (c) the consequences of failing to comply with a condition (including removal from a list);
- (d) the review by a Board of decisions made by it by virtue of the regulations.

(3B) The imposition of such conditions may be with a view to—

- (a) preventing any prejudice to the efficiency of the services to which the list relates, or

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(b) preventing fraud.]

[  
<sup>F75</sup>(3C) Regulations making provision as to the matters referred to in paragraph (3)(j) may make provision—

- (a) as to the members of the body, including the terms and conditions of their appointment;
- (b) for the payment of fees and allowances to members of the body.]

<sup>F76</sup>(4) .....

- F66** mod. by SR 2004/259
- F67** Words in art. 57G(1) substituted (26.3.2008) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2008 \(c. 2\), ss. 1\(2\), 18\(1\)\(a\)](#)
- F68** Words in art. 57G(1) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 28\(2\); S.R. 2022/102, art. 2\(b\)](#)
- F69** Words in art. 57G(2) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 28\(2\); S.R. 2022/102, art. 2\(b\)](#)
- F70** Words in art. 57G(3)(c) repealed (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), s. 34\(3\), Sch. 6 para. 3\(32\), Sch. 7; S.R. 2009/114, art. 2](#)
- F71** Words in art. 57G(3)(j) inserted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 28\(3\); S.R. 2022/102, art. 2\(b\)](#)
- F72** Words in art. 57G(3) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 28\(2\); S.R. 2022/102, art. 2\(b\)](#)
- F73** Art. 57G(3A)(3B) inserted (26.3.2008) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2008 \(c. 2\), ss. 1\(3\), 18\(1\)\(a\)](#)
- F74** Words in art. 57G(3A) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 28\(4\); S.R. 2022/102, art. 2\(b\)](#)
- F75** Art. 57G(3C) inserted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 28\(5\); S.R. 2022/102, art. 2\(b\)](#)
- F76** Art. 57G(4) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 28\(6\); S.R. 2022/102, art. 2\(b\)](#)

## [<sup>F77</sup> Assistance and support

**57H.—(1)** [<sup>F78</sup>The Department] may provide assistance or support to—

- (a) any person providing, or proposing to provide primary medical services under a general medical services contract;
- (b) any person providing, or proposing to provide, such services in accordance with Article 15B arrangements.

(2) Assistance or support provided by [<sup>F79</sup>the Board] under paragraph (1) shall be provided on such terms, including terms as to payment, as the Board thinks fit.

(3) In this Article “assistance” includes financial assistance.]

- F77** [2004 NI 2](#)
- F78** Words in art. 57H(1) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 29\(2\); S.R. 2022/102, art. 2\(b\)](#)
- F79** Words in art. 57H(2) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 29\(3\); S.R. 2022/102, art. 2\(b\)](#)

*Art 58 rep. by 1988 NI 24*

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## Loans to general medical practitioners

[<sup>F80</sup>59. Schedule 9 makes provision for the making of loans by the Department to practitioners providing primary medical services..Department to practitioners providing primary medical services.]

**F80** Art. 59 substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 30](#); S.R. 2022/102, art. 2(b)

## Prohibition of sale of, and compensation for loss of right to sell, medical practices

60. Schedule 10 shall have effect with respect to the prohibition of the sale of, ...<sup>F81</sup>, the goodwill of medical practices.]

**F81** 1978 NI 26

General Dental Services, General Ophthalmic Services and Pharmaceutical Services

## Arrangements for general dental services

61.—(1) [<sup>F82</sup>The Department] shall, in accordance with regulations, make arrangements<sup>F83</sup> ... with dental practitioners under which any person for whom a dental practitioner undertakes in accordance with the arrangements to provide dental treatment and appliances shall receive such treatment and appliances, and the services provided in accordance with the arrangements are in this Order referred to as “general dental services”.

(2) Subject to paragraph (4), regulations may make provisions as to the arrangements to be made under paragraph (1), and shall include provision—

- (a) for the preparation, publication and maintenance of lists of dental practitioners who undertake to provide general dental services;
- (b)<sup>F84</sup> for conferring a right, subject to [<sup>F85</sup>[<sup>F86</sup>paragraphs (2A) and (2AA)]]<sup>F87</sup>, to any provision made under Article 64C]]<sup>F88</sup>, to regulations under Article 4 of the Health and Medicines (Northern Ireland) Order 1988] and to] the provisions of this Order relating to the disqualification of persons providing services, on any dental practitioner<sup>F86</sup> ... who wishes to be included in any such list, to be so included;

*Sub-para. (c) rep. by 1997 NI 7*

- (d) for the making and recovery by persons providing general dental services of charges in respect of—
  - (i) the extra expense involved in the supply, at the request of the person supplied, as part of those services, of any dental appliance which is of a more expensive type than that which would normally be supplied, or the replacement or repair of any such appliance; or
  - (ii) the replacement or repair of any dental appliance supplied as part of the services aforesaid, if it is determined in the prescribed manner that the replacement or repair is necessitated by an act or omission of the person supplied or (if it occurred when he was under sixteen years of age) of his or of the person having charge of him when it occurred; and
- (e) for [<sup>F89</sup> the determination of] the remuneration of dental practitioners providing general dental services.

<sup>F85</sup>(2A) No dental practitioner who is a national of a member State and is registered by virtue of a qualification granted in a member State shall be entitled to have his name included in the lists mentioned in paragraph (2)(a) unless he satisfies [<sup>F90</sup>the Department] that he has that knowledge of English which, in the interests of himself and his patients, is necessary for the provision of general dental services <sup>F91</sup>....]

[<sup>F86</sup>(2AA) Regulations may make the exercise of the right conferred by virtue of sub-paragraph (b) of paragraph (2) subject to any provision made by or under the regulations, and, in such cases as may be prescribed, may confer a right of appeal to a prescribed body in respect of a refusal to include a dental practitioner on such a list as is referred to in sub-paragraph (a) of that paragraph.]

[<sup>F92</sup>(2AB) Regulations making provision conferring such a right of appeal may make provision—

- (a) as to the members of the body, including the terms and conditions of their appointment;
- (b) for the payment of fees and allowances to members of the body.]

[<sup>F93</sup>[<sup>F94</sup>(2B) Paragraph (2BB) applies where the registration of a dental practitioner in the dentists register is suspended—

- (a) by an interim suspension order under section 32 of the Dentists Act 1984 (interim orders); or
- (b) by a direction or order of the Health Committee, the Professional Performance Committee or the Professional Conduct Committee of the General Dental Council under any of sections 27B, 27C or 30 of that Act following a relevant determination that that practitioner's fitness to practise is impaired.

(2BA) For the purposes of paragraph (2B), a “relevant determination” that a practitioner's fitness to practise is impaired is a determination which is based solely on—

- (a) the ground mentioned in paragraph (b) of subsection (2) of section 27 of the Dentists Act 1984 (deficient professional performance);
- (b) the ground mentioned in paragraph (c) of that subsection (adverse physical or mental health); or
- (c) both those grounds.

(2BB) Where this paragraph applies, the suspension shall not terminate any arrangements made with the dental practitioner for the provision of general dental services, but he shall not provide such services in person during the suspension.]

(2C) Regulations under paragraph (2)(e) may provide for the making of payments in consequence of suspension to a dental practitioner whose registration is suspended as mentioned in paragraph (2B).]

(3) Subject to paragraph (4), regulations may make provision for the making and recovery of charges (subject to such safeguards as the Ministry may consider necessary) by persons providing general dental services in respect of treatment which, on the ground of the nature of the treatment provided or such other special circumstances (whether related to the nature of the treatment or otherwise) as may be prescribed, justifies an extra charge.

(4) Before making any regulations under this Article, the Ministry shall consult such organisations as appear to the Minister to be representative of the dental profession.

**F82** Words in art. 61(1) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), [Sch. 1 para. 31\(2\)\(a\)](#); S.R. 2022/102, art. 2(b)

**F83** Words in art. 61(1) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), [Sch. 1 para. 31\(2\)\(b\)](#); S.R. 2022/102, art. 2(b)

**F84** mod. by SR 2004/259

**F85** SI 1981/432



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- F86** 1991 NI 1  
**F87** 2001 c. 3 (NI)  
**F88** 1988 NI 24  
**F89** 1978 NI 26  
**F90** Words in art. 61(2A) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 31(3)(a)**; S.R. 2022/102, art. 2(b)  
**F91** Words in art. 61(2A) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 31(3)(b)**; S.R. 2022/102, art. 2(b)  
**F92** Art. 61(2AB) inserted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 31(4)**; S.R. 2022/102, art. 2(b)  
**F93** 1986 NI 24  
**F94** Art. 61(2B)(2BA)(2BB) substituted (31.7.2006) for art. 61(2B) by Dentists Act 1984 (Amendment) Order 2005 (S.I. 2005/2011), arts. 1(5), 49, **Sch. 6 para. 6(2)**

### [<sup>F95</sup> Ophthalmic services]

- F95** Art. 62 cross-heading inserted (26.3.2008) by Health (Miscellaneous Provisions) Act (Northern Ireland) 2008 (c. 2), **ss. 8(1), 18(1)(a)**

## Arrangements for general ophthalmic services

**62.**—(1) [<sup>F96</sup>The Department] shall, in accordance with regulations, make arrangements <sup>F97</sup>... with medical practitioners having the prescribed qualifications, [<sup>F98</sup> and ophthalmic opticians for securing the testing][<sup>F99</sup> by them of the sight—]

- [<sup>F100</sup>(a) of a child;  
 (b) of a person whose resources fall to be treated under the regulations as being less than his requirements or as being equal to his requirements; or  
 (c) of a person of such other description as may be prescribed.]

and the services provided in accordance with such arrangements are in this Order referred to as “general ophthalmic services”.

(2) Subject to paragraph (3), regulations may make provision as to the arrangements to be made under this Article, and shall include provision—

- [<sup>F101</sup>(a) for the preparation and publication of lists of medical practitioners, and ophthalmic opticians respectively, who undertake to provide general ophthalmic services;  
 (b) for conferring a right, subject to any provision made under Article 64C and to the provisions of this Order relating to the disqualification of persons providing services, on any medical practitioner having the prescribed qualifications or ophthalmic optician who wishes to be included in the appropriate list, to be so included;  
 (c) for conferring on any medical practitioner, who is dissatisfied with a determination that he or she does not possess the qualifications prescribed under this Article, a right of appeal to [<sup>F102</sup>a prescribed body, and] for any matter for which it appears to the Department to be necessary or expedient to make provision in consequence of the conferring of that right;]  
 (d) for conferring on any person a right to choose, in accordance with the prescribed procedure, the medical practitioner or ophthalmic optician by whom his sight is to be tested or from whom any prescription for the supply of optical appliances is to be obtained<sup>F103</sup> . . . ;

*Sub-para. (e) rep. by 1984 NI 8*

- [<sup>F104</sup>(f) for [<sup>F105</sup> the determination of] the remuneration of persons providing or participating in the provision of general ophthalmic services.



[<sup>F106</sup>(2A) Regulations making provision for any matter which appears to the Department to be necessary or expedient in consequence of the right of appeal referred to in paragraph (2)(c), may in particular make provision—

- (a) as to the members of the body, including the terms and conditions of their appointment;
- (b) for the payment of fees and allowances to members of the body.]

(3) Before making any regulations under this Article, the Ministry shall consult such organisations as appear to the Minister to be representative of medical practitioners practising as ophthalmic medical practitioners,<sup>[F107]</sup> and ophthalmic] opticians.

[<sup>F108</sup>(4) In this Article—

“child” means—

- (a) a person who is under the age of 16 years; or
- (b) a person who is under the age of 19 years and receiving qualifying full-time education; and

“qualifying full-time education” means full-time instruction—

- (a) at an educational establishment recognised by the Department as being, or as comparable to, a school, college or university; or
  - (b) by other means accepted as comparable by the Department,
- and for the purposes of this definition regulations may prescribe the circumstances in which a person is or is not to be treated as receiving full-time instruction.

(5) Regulations under this Article may direct how a person's resources and requirements are to be calculated and, without prejudice to the generality of this paragraph, may direct that they shall be calculated—

- (a) by a method set out in the regulations;
- (b) by a method described by reference to a method of calculating or estimating income or capital specified in a transferred provision other than this Article or by reference to such a method but subject to prescribed modifications;
- (c) by reference to an amount applicable for the purposes of a payment under a transferred provision; or
- (d) by reference to the person's being or having been entitled to payment under a transferred provision.

(6) Descriptions of persons may be prescribed for the purposes of paragraph (1) by reference to any criterion and, without prejudice to the generality of this paragraph, by reference to any of the following criteria—

- (a) their age;
- (b) the fact that a prescribed person or a prescribed body accepts them as suffering from a prescribed medical condition;
- (c) the fact that a prescribed person or a prescribed body accepts that a prescribed medical condition from which they suffer arose in prescribed circumstances;
- (d) their receipt of benefit in money or in kind under any transferred provision or their entitlement to receive any such benefit; and
- (e) the receipt of any such benefit by other persons satisfying prescribed conditions or the entitlement of other persons satisfying prescribed conditions to receive such benefits.

(7) Regulations which refer to a transferred provision may direct that the reference is to be construed as a reference to that provision—

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- (a) as it has effect at the time when the regulations are made; or
  - (b) both as it has effect at that time and as amended subsequently.
- (8) Regulations may provide that a person—
- (a) whose sight is tested by a person who provides general ophthalmic services; and
  - (b) who is shown during the testing or within a prescribed time after it to fall within paragraph (1),
- shall be taken for the purposes of the testing to have so fallen immediately before his sight was tested; and the testing shall be treated—
- (i) for the purposes of any arrangements under this Article;
  - (ii) for the purposes of remuneration in respect of the testing; and
  - (iii) for any such other purpose as may be prescribed,
- as a testing of sight under this Order.
- (9) Regulations shall define the services for the provision of which arrangements under this Article are to be made and the services so defined are in this Order referred to as “general ophthalmic services”.]

- F96** Words in art. 62(1) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), **Sch. 1 para. 32(2)(a)**; S.R. 2022/102, art. 2(b)
- F97** Words in art. 62(1) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), **Sch. 1 para. 32(2)(b)**; S.R. 2022/102, art. 2(b)
- F98** 1984 NI 8
- F99** 1988 NI 24
- F100** 1988 NI 24
- F101** Art. 62(2)(a)-(c) inserted (13.6.2016) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2016](#) (c. 26), **ss. 10(1), 20(2)**
- F102** Words in art. 62(2)(c) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), **Sch. 1 para. 32(3)**; S.R. 2022/102, art. 2(b)
- F103** 1984 NI 8
- F104** prosp. rep. by 1984 NI 8
- F105** 1978 NI 26
- F106** Art. 62(2A) inserted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), **Sch. 1 para. 32(4)**; S.R. 2022/102, art. 2(b)
- F107** 1984 NI 8
- F108** 1988 NI 24

## Persons providing general ophthalmic services

**F109** **62A** .....

- F109** Art. 62A repealed (13.6.2016) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2016](#) (c. 26), **ss. 10(2), 20(2), Sch. 2 Pt. 1**

[**F110** Pharmaceutical services]

- F110** Art. 63 cross-heading inserted (26.3.2008) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2008](#) (c. 2), **ss. 10(1), 18(1)(a)**

## Arrangements for pharmaceutical services

[<sup>F112</sup>(1) [<sup>F113</sup>The Department] shall, in accordance with regulations, make arrangements <sup>F114</sup>... for the [<sup>F115</sup> provision] to persons <sup>F114</sup>... of—

- (a) proper and sufficient drugs and medicines and listed appliances which are ordered for those persons by a medical practitioner in pursuance of his functions—
  - (i) in providing any service in pursuance of this Order; or
  - (ii) in the [<sup>F116</sup>health care] established in pursuance of section 1 of the National Health Service Act 1977 or section 1 of the National Health Service (Scotland) Act 1978 ; or
  - (iii) in the armed forces of the Crown (excluding forces of a Commonwealth country and forces raised in a colony);<sup>F117</sup> . . .
- (b) listed drugs and medicines which are ordered for those persons by a dental practitioner in pursuance of such functions;<sup>F118</sup> . . .
- (bb) [<sup>F119</sup>listed drugs and medicines and listed appliances which are ordered for those persons by [<sup>F120</sup>a pharmacist or] a prescribed description of registered nurse, midwife or health visitor in pursuance of such functions; and]
- (c) [<sup>F121</sup>such services as may be prescribed;]

[<sup>F122</sup>and the services provided in accordance with the arrangements are, together with additional pharmaceutical services provided in accordance with [<sup>F123</sup>arrangements] under Article 63A, referred to in this Order as “pharmaceutical services”.]

[<sup>F124</sup>(2) Regulations shall provide for securing that arrangements made by [<sup>F125</sup>the Department] under paragraph (1) will enable persons <sup>F126</sup>... for whom drugs, medicines or appliances mentioned in that paragraph are ordered as there mentioned [<sup>F127</sup>, or to whom services mentioned in paragraph (1) (c) are to be provided] to receive them from persons with whom such arrangements have been made.

- (2A) <sup>F128</sup> . . . . .
- (2B) <sup>F128</sup> . . . . .
- (2C) <sup>F128</sup> . . . . .
- (2D) <sup>F128</sup> . . . . .]

(3) Before making any regulations under this Article, the Ministry shall consult such organisations as appear to the Minister to be representative of the pharmaceutical profession.

<sup>F129</sup>(4) In this Article “listed” means included in a list for the time being approved for the purposes of this Article by the Department.]

**F111** mod. by SR 2004/259

**F112** 1978 NI 26

**F113** Words in art. 63(1) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), **Sch. 1 para. 33(2)(a)**; S.R. 2022/102, art. 2(b)

**F114** Words in art. 63(1) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), **Sch. 1 para. 33(2)(b)**; S.R. 2022/102, art. 2(b)

**F115** 1991 NI 1

**F116** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009](#) (c. 1), s. 34(3), **Sch. 6 para. 1(1)(b)**; S.R. 2009/114, **art. 2**

**F117** 1992 NI 18

**F118** 1992 NI 18

**F119** 1992 NI 18

**F120** 2003 NI 9

- F121** 1991 NI 1  
**F122** 1997 NI 7  
**F123** Word in art. 63(1) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), **Sch. 1 para. 33(2)(c)**; S.R. 2022/102, art. 2(b)  
**F124** 1986 NI 20  
**F125** Words in art. 63(2) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), **Sch. 1 para. 33(3)(a)**; S.R. 2022/102, art. 2(b)  
**F126** Words in art. 63(2) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), **Sch. 1 para. 33(3)(b)**; S.R. 2022/102, art. 2(b)  
**F127** 1991 NI 1  
**F128** Art. 63(2A)-(2D) repealed (26.3.2008) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2008 \(c. 2\)](#), ss. 10(2), 18(1)(a)(c), **Sch. 2 Pt. 1**  
**F129** 1978 NI 26

### **[<sup>F130</sup> Persons providing pharmaceutical**

**63AA.**—<sup>F131</sup>(1) .....

(2) [<sup>F132</sup>Regulations under Article 63] shall include provision—

[ for the preparation, publication and maintenance of lists of persons, other than medical  
<sup>F133</sup>(za) practitioners or dental practitioners, who undertake to provide pharmaceutical services;]

(a) that an application to [<sup>F134</sup>the Department] for inclusion in such a list shall be made in the prescribed manner and shall state—

(i) the pharmaceutical 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 pharmaceutical services;

(b) 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 pharmaceutical services or premises other than those already listed in relation to him,

shall be granted only if [<sup>F134</sup>the Department] 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 pharmaceutical services or some of the pharmaceutical services, specified in the application; and

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

(3) [<sup>F135</sup>Regulations under Article 63] may include provision—

(a) that an application to [<sup>F136</sup>the Department] may be granted in respect of some only of the pharmaceutical services specified in it;

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- (b) that an application to a Health and Social Services Board relating to pharmaceutical services of a prescribed description shall be granted only if it appears to [<sup>F136</sup>the Department] that the applicant has satisfied such conditions with regard to the provision of those pharmaceutical services as may be prescribed;
- (c) that an application to a Health and Social Services Board by a person who qualified to have his name registered under the Pharmacy (Northern Ireland) Order 1976 by virtue of Article 8(2)(c) of that Order [<sup>F137</sup>(relevant European qualification)] shall not be granted unless the applicant satisfies the Board that he has the knowledge of English which, in the interests of himself and the persons making use of the pharmaceutical services to which the application relates, is necessary for the provision of pharmaceutical services <sup>F138</sup>....;
- (d) that the inclusion of a person in a list in pursuance of such an application may be for a fixed period;
- (e) that, where the premises from which an application states that the applicant will undertake to provide pharmaceutical 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 prescribed criteria; and
- (f) that the prescribed body may give its approval subject to conditions.

[<sup>F139</sup>(3A) Regulations under Article 63 shall include provision conferring on such persons as may be prescribed rights of appeal [<sup>F140</sup>to a prescribed body] from decisions made by virtue of paragraph (2) or (3).

[<sup>F141</sup>(3AA) Regulations making provision as to the matters referred to in paragraph (3A) may in particular make provision—

- (a) as to the members of the body, including the terms and conditions of their appointment;
- (b) for the payment of fees and allowances to members of the body.]

(3B) Regulations under Article 63 shall be framed as to preclude—

- (a) a person included in a list under paragraph (2)(za), and
- (b) an employee of such a person,

from taking part in the decision whether an application such as is mentioned in paragraph (2)(b) should be granted or an appeal against such a decision brought by virtue of paragraph (3A) should be allowed.]

<sup>F142</sup>(4) .....

<sup>F142</sup>(5) .....]

**F130** Art. 63AA inserted (26.3.2008) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2008](#) (c. 2), **ss. 10(3)**, 18(1)(a)

**F131** Art. 63AA(1) repealed (13.6.2016) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2016](#) (c. 26), **ss. 11(2)**, 20(2), **Sch. 2 Pt. 1**

**F132** Words in art. 63AA(2) substituted (13.6.2016) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2016](#) (c. 26), **ss. 11(3)**, 20(2)

**F133** Art. 63AA(2)(za) inserted (13.6.2016) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2016](#) (c. 26), **ss. 11(4)**, 20(2)

**F134** Words in art. 63AA(2) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), **Sch. 1 para. 34(2)**; S.R. 2022/102, art. 2(b)

**F135** Words in art. 63AA(3) substituted (13.6.2016) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2016](#) (c. 26), **ss. 11(3)**, 20(2)

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- F136** Words in art. 63AA(3) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 34\(3\)\(a\)](#); S.R. 2022/102, art. 2(b)
- F137** Words in art. 63AA(3)(c) substituted (31.12.2020) by [The European Qualifications \(Pharmacists\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2019 \(S.I. 2019/585\), reg. 1\(2\), Sch. para. 25 \(with Pt. 3\) \(as amended by S.I. 2020/1394, reg. 20\(7\)\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F138** Words in art. 63AA(3) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 34\(3\)\(b\)](#); S.R. 2022/102, art. 2(b)
- F139** Art. 63AA(3A)(3B) inserted (13.6.2016) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2016 \(c. 26\), ss. 11\(5\), 20\(2\)](#)
- F140** Words in art. 63AA(3A) inserted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 34\(4\)](#); S.R. 2022/102, art. 2(b)
- F141** Art. 63AA(3AA) inserted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 34\(5\)](#); S.R. 2022/102, art. 2(b)
- F142** Art. 63AA(4)(5) repealed (13.6.2016) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2016 \(c. 26\), ss. 11\(6\), 20\(2\), Sch. 2 Pt. 1](#)

### **[<sup>F143</sup> Additional pharmaceutical services**

**63A.—(1)** The Department may make arrangements for the provision of additional pharmaceutical services.

(2) The arrangements—

- (a) may be made on such terms as the Department thinks appropriate;
- (b) may impose, on any person providing a service in accordance with the arrangements, such conditions as the Department thinks appropriate.

(3) But the arrangements must secure that any service to which they apply is provided only by a person whose name is included in a pharmaceutical list.

(4) Different arrangements may be made with respect to—

- (a) different services;
- (b) the provision of the same service by the same person but in different circumstances;
- (c) the provision of the same service by different persons.

(5) The Department must provide details of any proposed arrangements (including the remuneration to be offered for the provision of services) to any person who asks for them.

(6) The Department must publish such details as it thinks appropriate of arrangements under this Article—

- (a) in the Drug Tariff, or
- (b) in such other manner as it thinks appropriate.

(7) In this Article—

“additional pharmaceutical services” means services of a kind that do not fall within Article 63;

“Drug Tariff” means the Drug Tariff published under regulation 9 of the Pharmaceutical Services Regulations (Northern Ireland) 1997 or under any corresponding provision replacing, or otherwise derived from, that regulation;

“pharmaceutical list” means, subject to the arrangements made, a list—

- (a) published by the Department in accordance with regulations made under Article 63AA(2)(za); or
- (b) published by any body in accordance with regulations made under—
  - (i) section 27(3)(a) of the National Health Service (Scotland) Act 1978,

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- (ii) section 129(2)(a) of the National Health Service Act 2006,
- (iii) section 83(2)(a) of the National Health Service (Wales) Act 2006, or
- (iv) any provision of the law of Scotland or England and Wales that re-enacts (with or without amendment) any of those sections.]

**F143** Art. 63A substituted for art. 63A, 63B (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 35; S.R. 2022/102, art. 2\(b\)](#)

### Terms and conditions etc.

**F143 63B.** . . . . .

**F143** Art. 63A substituted for art. 63A, 63B (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 35; S.R. 2022/102, art. 2\(b\)](#)

### Persons authorised to provide pharmaceutical services

**64.**—<sup>F144</sup>(1) Except as provided<sup>F145</sup> by or under regulations], an arrangement shall not be made by <sup>F146</sup>[the Department] —

- (a) with a medical or dental practitioner, under which he is required or agrees to provide pharmaceutical services to any person to whom he is rendering<sup>F147</sup> primary medical services] or general dental services; or
- (b) with a person who is not a pharmacist, for the dispensing of medicines.

<sup>F148</sup>[**(1A)** Regulations shall provide for the preparation and publication by <sup>F149</sup>[the Department] of one or more lists of medical practitioners who are required or agree to provide drugs, medicines or listed appliances <sup>F150</sup>....

**(1B)** In paragraph (1A) “listed” has the same meaning as in Article 63.

**(1C)** The regulations shall include provision for the removal of an entry from a list in prescribed circumstances.]

<sup>F151</sup>**(2)** No arrangements for the provision of pharmaceutical services falling within Article 63(1) (c)<sup>F152</sup>, or additional pharmaceutical services provided in accordance with <sup>F153</sup>... Article 63A,] shall be made with persons other than those who are pharmacists or are of a prescribed description.]]

**F144** 1991 NI 1

**F145** 1986 NI 20

**F146** Words in art. 64(1) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 36\(2\); S.R. 2022/102, art. 2\(b\)](#)

**F147** 2004 NI 2

**F148** 1997 NI 7

**F149** Words in art. 64(1A) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 36\(2\); S.R. 2022/102, art. 2\(b\)](#)

**F150** Words in art. 64(1A) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 36\(3\); S.R. 2022/102, art. 2\(b\)](#)

**F151** 1991 NI 1

**F152** 1997 NI 7



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**F153** Words in [art. 64\(2\)](#) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 36\(4\)](#); S.R. 2022/102, art. 2(b)

## Supplementary provisions

F154

**F154** prosp. inserted by [1984 NI 8](#)

F155

**F155** prosp. subst. by [2001 c. 3 \(NI\)](#)

## [<sup>F156</sup>Indemnity cover

**64C.**—(1) Regulations may make provision for the purpose of securing that, in prescribed circumstances, prescribed Part VI practitioners hold approved indemnity cover.

(2) The regulations may, in particular, make provision as to the consequences of a failure to hold approved indemnity cover, including provision—

- (a) for securing that a person is not to be added to any list unless he holds approved indemnity cover;
- (b) for the removal from a list prepared by [<sup>F157</sup>the Department] of a Part VI practitioner who does not within a prescribed period after the making of a request by [<sup>F157</sup>the Department] in the prescribed manner satisfy [<sup>F157</sup>the Department] that he holds approved indemnity cover.

(3) For the purposes of this Article—

“approved body” means a person or persons approved in relation to indemnity cover of any description, after such consultation as may be prescribed, by the Department or by such other person as may be prescribed;

“approved indemnity cover” means indemnity cover made—

- (a) on prescribed terms; and
- (b) with an approved body;

“indemnity cover”, in relation to a Part VI practitioner (or person who proposes to provide Part VI services), means a contract of insurance or other arrangement made for the purpose of indemnifying him and any person prescribed in relation to him to any prescribed extent against any liability which—

- (a) arises out of the provision of Part VI services in accordance with arrangements made by him with [<sup>F158</sup>the Department] under this Part; and
- (b) is incurred by him or any such person in respect of the death or personal injury of a person;

“list” has the same meaning as in paragraph 1(8) of Schedule 11;

“Part VI practitioner” means a person whose name is on a list;

“personal injury” means any disease or impairment of a person's physical or mental condition and includes the prolongation of any disease or such impairment;

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and a person holds approved indemnity cover if he has entered into a contract or arrangement which constitutes approved indemnity cover.

(4) The regulations may provide that a person of any description who has entered into a contract or arrangement which is—

- (a) in a form identified in accordance with the regulations in relation to persons of that description; and
- (b) made with a person or persons so identified,

is to be treated as holding approved indemnity cover for the purposes of the regulations.]

**F156** 2001 c. 3 (NI)

**F157** Words in art. 64C(2) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), [Sch. 1 para. 37\(2\)](#); S.R. 2022/102, art. 2(b)

**F158** Words in art. 64C(3) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), [Sch. 1 para. 37\(3\)](#); S.R. 2022/102, art. 2(b)

### **Disqualification of persons providing certain services**

**65.** The provisions of Schedule 11 shall have effect in relation to the disqualification of persons providing services.

### **Former dispensary property, etc.**

**66.** The provisions of Schedule 12 shall apply to any property which was transferred to and vested in the Northern Ireland General Health Services Board consequent on section 19 of the Health Services Act (Northern Ireland) 1948 and transferred to and vested in the Ministry by virtue of section 6(1)( b) of the Health Services (Amendment) Act (Northern Ireland) 1967 .

**Changes to legislation:**

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**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\(4\)\(b\)](#)