

STATUTORY INSTRUMENTS

1997 No. 1177

The Health Services (Primary Care) (Northern Ireland) Order 1997

^{F1} PART II

PILOT SCHEMES FOR PRIMARY CARE

F1 Pt. II (arts. 3-20) repealed (prosp.) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2008](#) (c. 2), ss. 17, 18(2)(b), [Sch. 2 Pt. 2](#)

Modifications etc. (not altering text)

C1 Pt. II (arts. 3-20) modified (prosp.) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2008](#) (c. 2), ss. 6, 18(2)(a)

Preparation and making of pilot schemes

Pilot schemes

3.—(1) In this Order “pilot scheme” means one or more agreements made by [^{F2}the Department] in accordance with this Part under which—

^{F3}(a)

(b) personal dental services are provided (otherwise than by [^{F4}the Department]).

^{F5}(2)

(3) A pilot scheme may include arrangements for the provision of [^{F6}health care]—

(a) which are not ^{F7}... personal dental services; but

(b) which may be provided under Part II of the 1972 Order.

(4) In this Order “piloted services” means services provided in accordance with a pilot scheme (including any services to which the scheme applies by virtue of paragraph (3)).

(5) Except to such extent as may be prescribed—

^{F8}(a)

(b) a patient for whom personal dental services are provided under a pilot scheme is not to count as a person for whom arrangements must be made by [^{F9}the Department] under Article 61 of the 1972 Order.

(6) The functions of an [^{F10}HSC trust] include power to provide piloted services, and to do so as a member of a qualifying body (within the meaning of Article 4 or 5).

(7) For the purposes of this Part—

^{F11} ...

“personal dental services” means dental services of a kind that may be provided by a general dental practitioner in accordance with arrangements made under Part VI of the 1972 Order.

- F2** Words in art. 3(1) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 174(2)(a)**; S.R. 2022/102, art. 2(b)
- F3** Art. 3(1)(a) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 174(2)(b)**; S.R. 2022/102, art. 2(b)
- F4** Words in art. 3(1)(b) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 174(2)(c)**; S.R. 2022/102, art. 2(b)
- F5** Art. 3(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. 174(3)**; S.R. 2022/102, art. 2(b)
- F6** Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(b)** (with Sch. 6 para. 1(3)); S.R. 2009/114, **art. 2**
- F7** Words in art. 3(3)(a) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 174(4)**; S.R. 2022/102, art. 2(b)
- F8** Art. 3(5)(a) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 174(5)(a)**; S.R. 2022/102, art. 2(b)
- F9** Words in art. 3(5)(b) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 174(5)(b)**; S.R. 2022/102, art. 2(b)
- F10** Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(d)** (with Sch. 6 para. 1(3)); S.R. 2009/114, **art. 2**
- F11** Words in art. 3(7) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 174(6)**; S.R. 2022/102, art. 2(b)

Provision of personal medical services under a pilot scheme

^{F12}4.

- F12** Art. 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. 175**; S.R. 2022/102, art. 2(b)

Provision of personal dental services under a pilot scheme

5.—(1) This Article applies to any pilot scheme under which personal dental services are provided.

(2) An agreement which constitutes, or is one of the agreements which together constitute, a pilot scheme may be made by [^{F13}the Department] only with one or more of the following—

- (a) an [^{F14}HSC trust];
- (b) a dental practitioner whose name is included in a dental list;
- (c) an [^{F15}HSC employee] or a pilot scheme employee;
- (d) a qualifying body;
- (e) an individual who is providing personal dental services under that or another pilot scheme.

(3) In this Article—

“dental list” means a list prepared in accordance with regulations under Article 61(2)(a) of the 1972 Order;

“[^{F15}HSC employee]” means an individual who, in connection with the provision of [^{F16}health care], is employed by—

- (a) an ^{F14}HSC trust];
- (b) a dental practitioner whose name is included in a dental list; or
- (c) a dental practitioner who is providing personal dental services in accordance with a pilot scheme;

“pilot scheme employee” means an individual who, in connection with the provision of personal dental services in accordance with a pilot scheme, is employed by an individual providing those services;

“qualifying body” means—

- (a) a body corporate which, in accordance with the provisions of Part IV of the Dentists Act 1984, is entitled to carry on the business of dentistry; or
- (b) a company which is limited by shares all of which are legally and beneficially owned by persons falling within sub-paragraph (a), (b), (c) or (e) of paragraph (2).

- F13** Words in [art. 5\(2\)](#) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 176](#); S.R. 2022/102, art. 2(b)
- F14** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 32, 34(3), [Sch. 6 para. 1\(1\)\(d\)](#) (with [Sch. 6 para. 1\(3\)](#)); S.R. 2009/114, [art. 2](#)
- F15** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 32, 34(3), [Sch. 6 para. 1\(1\)\(f\)](#) (with [Sch. 6 para. 1\(3\)](#)); S.R. 2009/114, [art. 2](#)
- F16** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 32, 34(3), [Sch. 6 para. 1\(1\)\(b\)](#) (with [Sch. 6 para. 1\(3\)](#)); S.R. 2009/114, [art. 2](#)

Proposals for pilot schemes

^{F17}6.

- F17** [Art. 6](#) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 177](#); S.R. 2022/102, art. 2(b)

Approval of pilot schemes

^{F18}7.

- F18** [Art. 7](#) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 177](#); S.R. 2022/102, art. 2(b)

^{F19}Implementation of pilot schemes

8.—(1) Before implementing a pilot scheme the Department must—

- (a) prepare proposals for the scheme, and
- (b) consult such persons as appear to it to be representative of persons who, in the opinion of the Department, may be significantly affected by the scheme.

(2) Proposals for a pilot scheme must include satisfactory provision for any participant other than the Department to withdraw from the scheme if the participant wishes to do so.

(3) A proposed participant in a pilot scheme (other than the Department) may withdraw at any time before the scheme is implemented in relation to that person.

(4) As soon as is reasonably practicable after implementing a pilot scheme, the Department must publish such details of the scheme as it considers to be appropriate.]

F19 Art. 8 substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 178](#); S.R. 2022/102, art. 2(b)

Reviews of pilot schemes

Reviews of pilot schemes

9.—(1) At least one review of the operation of each pilot scheme must be conducted by the Department.

(2) Each pilot scheme must be reviewed under this Article before the end of the period of three years beginning with the date on which piloted services are first performed under the scheme.

(3) When conducting a review of a pilot scheme, the Department must give—

^{F20}(a)

(b) any person providing services under the scheme,

an opportunity to comment on any matter relevant to the review.

(4) Otherwise, the procedure on any review is to be determined by the Department.

F20 Art. 9(3)(a) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 179](#); S.R. 2022/102, art. 2(b)

Variation and termination of pilot schemes

Variation and termination of pilot schemes

10.—(1) The Department may [^{F21}vary a pilot scheme that has been implemented.]

(2) [^{F22}The Department may vary a pilot scheme under paragraph (1)] —

(a) in response to a request made by [^{F23}any] participant in the scheme; or

(b) on the Department's own initiative.

[^{F24}(3) A participant in a pilot scheme (other than the Department) may withdraw at any time before a variation of the scheme is implemented in relation to that person.

(3A) As soon as is reasonably practical after implementing a variation, the Department must publish such details of the scheme as varied as it considers to be appropriate.]

(4) If the Department is satisfied that a pilot scheme is (for any reason) unsatisfactory, it may [^{F25}bring the scheme to an end.]

F21 Words in art. 10(1) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 180\(2\)](#); S.R. 2022/102, art. 2(b)

F22 Words in art. 10(2) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 180\(3\)\(a\)](#); S.R. 2022/102, art. 2(b)

F23 Word in art. 10(2)(a) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 180\(3\)\(b\)](#); S.R. 2022/102, art. 2(b)

F24 Art. 10(3)(3A) substituted for art. 10(3) (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 180\(4\)](#); S.R. 2022/102, art. 2(b)

F25 Words in art. 10(4) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 180(5)**; S.R. 2022/102, art. 2(b)

General

Relationship between this Part and the 1972 Order

11.—(1) The provisions of the 1972 Order^{F26}... apply in relation to functions of the Department under this Part as if they were functions of the Department under Part II of that Order.

(2) The 1972 Order has effect in relation to piloted services—

(a) subject to any provision of, or made under, this Part; ^{F27}...

^{F27}(b)

^{F28}(3)

F26 Words in art. 11(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. 181(2)**; S.R. 2022/102, art. 2(b)

F27 Art. 11(2)(b) and word omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 181(3)**; S.R. 2022/102, art. 2(b)

F28 Art. 11(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. 181(4)**; S.R. 2022/102, art. 2(b)

Medical practitioners to be suitably experienced

^{F29}**12.**

F29 Art. 12 omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 182**; S.R. 2022/102, art. 2(b)

Leaving medical lists

^{F30}**13.**

F30 Art. 13 omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 182**; S.R. 2022/102, art. 2(b)

Preferential treatment on transferring to medical lists

^{F31}**14.**

F31 Art. 14 omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 182**; S.R. 2022/102, art. 2(b)

Art. 15 rep. by 2001 c. 3 (NI)

Liabilities and obligations in relation to deputies

^{F32}**16.**

F32 Art. 16 omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 182](#); S.R. 2022/102, art. 2(b)

[^{F33}HSC contracts]

17.—(1) In the case of a pilot scheme entered into, or to be entered into, by a single individual or body corporate, that individual or body may make an application under this Article to become a [^{F34}health care] body.

(2) In the case of any other pilot scheme, all of those providing, or proposing to provide, piloted services under the scheme may together make an application under this Article to become a single [^{F34}health care] body.

(3) An application must—

- (a) be made to the Department in accordance with such provisions as may be prescribed; and
- (b) specify the pilot scheme in relation to which it is made.

(4) Except in such cases as may be prescribed, the Department may grant an application.

(5) If an application is granted, the Department must specify when it is to come into effect and, as from that time—

- (a) in the case of an application under paragraph (1), the applicant is; and
- (b) in the case of an application under paragraph (2), the applicants together are,

a [^{F34}health care] body for the purposes of Article 8 of the 1991 Order ([^{F33}HSC contracts]).

(6) That Article has effect in relation to such a [^{F34}health care] body (“a pilot scheme [^{F34}health care] body”) as if the functions referred to in paragraph (1) of that Article were the provision of piloted services.

(7) Except in such circumstances as may be prescribed, a pilot scheme [^{F34}health care] body resulting from an application under paragraph (2) is to be treated, at any time, as consisting of those providing piloted services under the scheme.

(8) A direction as to payment made under Article 8(8) of the 1991 Order against, or in favour of, a pilot scheme [^{F34}health care] body is enforceable in a county court (if the court so orders) as if it were a judgment or order of that court.

(9) Regulations may provide for a pilot scheme [^{F34}health care] body to cease to be such a body in prescribed circumstances.

(10) The Department must—

- (a) maintain and publish a list of pilot scheme [^{F34}health care] bodies;
- (b) publish a revised copy of the list as soon as is reasonably practicable after any change is made to it.

(11) The list is to be published in such manner as the Department considers appropriate.

F33 Words in Order substituted (1.4.2009) by virtue of [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 32, 34(3), [Sch. 6 para. 1\(1\)\(e\)](#) (with [Sch. 6 para. 1\(3\)](#)); S.R. 2009/114, [art. 2](#)

F34 Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 32, 34(3), [Sch. 6 para. 1\(1\)\(b\)](#) (with [Sch. 6 para. 1\(3\)](#)); S.R. 2009/114, [art. 2](#)

Financial provisions

Funding of preparatory work

18.—(1) Provision may be made by regulations for [^{F35}the Department] to make payments of financial assistance for preparatory work.

(2) “Preparatory work” means work which it is reasonable for a person to undertake—

- (a) in connection with preparing proposals for a pilot scheme; or
- (b) in preparing for the provision by him of any piloted services.

(3) Regulations under this Article may, in particular, include provision—

- (a) prescribing the circumstances in which payments of financial assistance may be made;
- (b) imposing a limit on the amount of any payment of financial assistance which [^{F36}the Department] may make in any prescribed period in respect of any one person or any one pilot scheme;
- (c) imposing a limit on the aggregate amount which [^{F36}the Department] may pay by way of financial assistance in any one financial year;
- (d) requiring a person to whom assistance is given under this Article to comply with such conditions as may be imposed in accordance with prescribed requirements; and
- (e) for repayment in the case of a failure to comply with any condition so imposed.

F35 Words in art. 18(1) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), [Sch. 1 para. 183\(2\)](#); S.R. 2022/102, art. 2(b)

F36 Words in art. 18(3) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), [Sch. 1 para. 183\(3\)](#); S.R. 2022/102, art. 2(b)

Art. 19 rep. by 2001 c. 3 (NI)

Charges for dental treatment

20.—(1) Regulations may provide for the making and recovery, in such manner as may be prescribed, of charges for dental treatment provided in accordance with pilot schemes.

(2) “Dental treatment” means personal dental services other than those to which paragraph 1(a)(k) of Schedule 15 to the 1972 Order applies.

(3) The regulations must secure that the amount charged for a particular treatment (or course of treatment) is the same as the amount that would be charged for that treatment (or course of treatment) if it were provided under Part VI of the 1972 Order.

(4) The regulations may—

- (a) provide for the amount or the maximum amount of any charge authorised by the regulations to be varied in prescribed circumstances; or
- (b) give power to direct that the charge is not to be payable.

(5) If, under a contract or arrangement, a patient receives—

- (a) services for which a charge is payable under paragraph 1(a)(iaa) of Schedule 15 to the 1972 Order; and
- (b) treatment for which a charge is payable under the regulations,

the total charge for those services and that treatment is not to exceed such sum as may be prescribed.

(6) No charge is to be made under the regulations in respect of treatment provided for any person who, at the time of the making of the contract or arrangement under which the treatment is provided—

- (a) was under 18;
- (b) was under 19 and receiving qualifying full-time education;
- (c) was pregnant; or
- (d) had given birth within the previous twelve months.

(7) In paragraph (6)(b) “qualifying full-time education” has the same meaning as in paragraph 2A(3) of Schedule 15 to the 1972 Order.

(8) The regulations may provide, with respect to any exemption under paragraph (6), that it is to be a condition of the exemption that—

- (a) a declaration of the prescribed kind is made in the prescribed form or manner; or
- (b) a certificate of the prescribed kind is supplied in the prescribed form or manner.

Changes to legislation:

There are currently no known outstanding effects for the The Health Services (Primary Care) (Northern Ireland) Order 1997, PART II.