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STATUTORY INSTRUMENTS

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**2004 No. 311**

**The Primary Medical Services (Northern Ireland) Order 2004**

*Primary medical services*

**Provision of medical services: Article 15B arrangements**

6.—(1) The 1972 Order shall be amended as follows.

(2) In Article 15B (provision of personal medical or dental services)—

(a) for the headings that precede the Article, there shall be substituted—

*“Provision of primary medical services or personal dental services*

**Primary medical services or personal dental services”;**

(b) in paragraphs (1)(a) and (2)(a) and (b)(i), for the words “personal medical services”, in each place where they occur, there shall be substituted “primary medical services”;

(c) sub-paragraph (a) of paragraph (3), in paragraph (4) the words “personal medical services or”, and in paragraph (6) the definition of “personal medical services” shall be omitted.

(3) In Article 15C (persons with whom agreements under Article 15B may be made) for sub-paragraph (b) of paragraph (1) there shall be substituted—

“(b) in the case of an agreement under which primary medical services are provided—

(i) a medical practitioner who satisfies the prescribed conditions;

(ii) a health care professional who satisfies the prescribed conditions;

(iii) an individual who is providing services—

(A) under a general medical services contract;

(B) in accordance with Article 15B arrangements, section 28C arrangements or Article 17C arrangements; or

(C) under section 28Q of the National Health Service Act 1977 or section 19 of the National Health Service (Scotland) Act 1978;

or has so provided them within such period as may be prescribed;”.

(4) After paragraph (1) of that Article there shall be inserted—

“(1A) The power under paragraph (1) to make an agreement with a person falling within sub-paragraph (b)(iii), or (in the case of an agreement under which primary medical services are provided), sub-paragraph (d), of that paragraph is subject to such conditions as may be prescribed.”.

(5) In paragraph (2) of that Article—

(a) at the appropriate place alphabetically there shall be inserted—

““Article 15B employee” means a person who, in connection with the provision of services in accordance with Article 15B arrangements, is employed by an individual providing or performing those services;

“health care professional” means a member of a profession which is regulated by a body mentioned (at the time the agreement is made) in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17);

“section 28C employee” means a person who, in connection with the provision of services in accordance with arrangements under section 28C of the National Health Service Act 1977, is employed by an individual providing or performing those services;

“section 17C employee” means a person who, in connection with the provision of services in accordance with arrangements under section 17C of the National Health Service (Scotland) Act 1978, is employed by an individual providing or performing those services;” and

- (b) the definitions of “qualifying medical practitioner” and “Article 15C employee” shall be omitted.
- (6) In paragraph (2) of that Article, in the definition of “HSS employee”—
- (a) after the words “health services” there shall be inserted “in Northern Ireland, England and Wales or Scotland”;
- (b) in paragraph (a), after the word “trust” there shall be inserted “in Northern Ireland, or an NHS trust or NHS foundation trust in England and Wales”;
- (c) for paragraph (b) there shall be substituted—
- “(b) a Health and Social Services Board in Northern Ireland, a Primary Care Trust in England, a Local Health Board in Wales or a Health Board in Scotland;
- (bb) a person who is providing services under a general medical services contract;
- (bc) an individual who is providing services as specified in paragraph (1)(bc)(iii);”.
- (7) In Article 15D (regulations concerning Article 15B arrangements)—
- (a) in the heading, for the words “Personal medical or” there shall be substituted “Primary medical services or personal”; and
- (b) in paragraph (2)(b), the words “medical practitioners performing personal medical services, and” shall be omitted.
- (8) In paragraph (3) of that Article—
- (a) after sub-paragraph (c) there shall be inserted—
- “(ca) impose conditions (including conditions as to qualifications and experience) to be satisfied by persons performing primary medical services in accordance with Article 15B arrangements;”;
- (b) sub-paragraphs (f) and (g) shall be omitted; and
- (c) in sub-paragraph (j) after “make” there shall be inserted “with respect to the provision of personal dental services”.
- (9) After paragraph (3) of that Article there shall be inserted—
- “(3A) The regulations may also require payments to be made under Article 15B arrangements in accordance with directions given for the purpose by the Department.
- (3B) A direction under paragraph (3A) may make provision having effect from a date before the date of the direction, provided that, having regard to the direction as a whole, the provision is not detrimental to the persons to whose remuneration it relates.

(3C) The regulations may also include provision requiring a Health and Social Services Board, in prescribed circumstances and subject to prescribed conditions, to enter into a general medical services contract on prescribed terms with any person providing services under Article 15B arrangements who so requests.

(3D) The regulations may also include provision for the resolution of disputes as to the terms of any proposed Article 15B arrangements, and in particular may make provision—

- (a) for the referral of the terms of the proposed arrangements to the Department; and
- (b) for the Department, or a person appointed by it, to determine the terms on which the arrangements may be entered into.

(3E) The regulations shall provide for the circumstances in which a person providing primary medical services under Article 15B arrangements—

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

(3F) The regulations shall make provision as to the right of patients to choose the persons from whom they are to receive services under Article 15B arrangements.”.

(10) Paragraphs (5) and (7) of that Article shall be omitted and in paragraph (6) of that Article for “personal medical services” there shall be substituted “primary medical services”.

(11) Article 15E (choice of medical practitioner) shall cease to have effect.