

1975 No. 180

## HEALTH AND PERSONAL SOCIAL SERVICES

**Health and Personal Social Services (General Medical and Pharmaceutical Services) (Amendment) Regulations (Northern Ireland) 1975***Made* . . . . . 25th June 1975*Coming into operation* . . . . . 1st July 1975

The Department of Health and Social Services (hereinafter referred to as "the Department") in exercise of the powers conferred on it by Articles 55, 56, 57, 63, 64, 95, 106, and 107 of, and paragraph 7(5) of Schedule 3 to, the Health and Personal Social Services (Northern Ireland) Order 1972(a) and of all other powers enabling it in that behalf and in conjunction with the Department of Finance and after consultation with such organisations as appeared to the Department to be representative of the medical and pharmaceutical professions hereby makes the following regulations:

*Citation and commencement*

1. These regulations may be cited as the Health and Personal Social Services (General Medical and Pharmaceutical Services) (Amendment) Regulations (Northern Ireland) 1975 and shall come into operation on 1st July 1975.

*Amendment of regulations*

2. The Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973(b) shall be amended as follows:

(1) In regulation 2(1) (Interpretation) for the definition "treatment" there shall be substituted:

" "treatment" means medical attendance and treatment, but does not include contraceptive services or maternity medical services unless the doctor has undertaken to provide such services to the woman concerned in accordance with these regulations;"

(2) for regulation 3 (Terms of service) there shall be substituted:

*"Scope of services*

3.—(1) The services, arrangements for the provision of which by doctors it is the duty under Article 56 of the Order of a Board to make, shall include—

(a) all necessary and appropriate personal medical services of the type usually provided by general medical practitioners; and

(b) giving advice to women on contraception, the medical examination of women seeking such advice, the treatment of such women and provision for the supply to such women of contraceptive substances and appliances (which services are hereinafter referred to as "contraceptive services").

(a) S.I. 1972/1265 (N.I. 14)

(b) S.R. & O. (N.I.) 1973 No. 421 (II, p. 2528)

- (2) The arrangements to which paragraph (1) refers shall incorporate the terms of service contained or referred to in Schedule 1.”;
- (3) for regulation 4(1) and (5) (Medical list) there shall be substituted respectively:

“4.—(1)(a) The Agency shall from information obtained from the Boards prepare a list, to be called “the medical list”, of the doctors who having made the appropriate application are entitled to be included in the list for the provision of general medical services other than maternity medical services.

(b) The medical list shall in respect of the doctors whose names are included thereon, indicate, except in the case of a doctor who has requested otherwise, which of them have undertaken to provide contraceptive services and shall distinguish between those doctors who have so undertaken in respect only of patients for whom they have also undertaken other personal medical services and those doctors who have so undertaken without such restriction.

(5) A doctor on the medical list shall within 14 days notify the Board of any change or addition affecting the entries which the medical list is required to contain in relation to him, and may at any time notify the Board that he wishes to amend the particulars included in the medical list relating to the provision by him of personal medical services by including or excluding or limiting that provision to contraceptive services distinguished in accordance with paragraph (1)(b).”;

- (4) for regulation 19 (Selection of doctor) there shall be substituted:

*“Selection of doctor*

19.—(1) An application by a person (being a person ordinarily resident in Northern Ireland or to whom the provisions of the Health Services (Persons not ordinarily Resident in Northern Ireland) Regulations (Northern Ireland) 1970(e), apply) for acceptance by a doctor for inclusion in his list shall, subject to the provisions of regulation 24(1) be made by delivery to the doctor either of a medical card duly signed and dated or an application duly signed and dated for acceptance on his list in such form as the Agency may direct.

(2)(a) A woman may apply to a doctor who has undertaken to provide contraceptive services (whether or not she is included in the list of a doctor for the provision of other personal medical services) to be accepted by him for the provision to her of contraceptive services;

(b) such application shall be for the provision of such services for a term of 12 months from the date of acceptance; so however that either the woman or the doctor may terminate the provision to her by him of such services at any time during the term of 12 months;

(c) on any such termination or at the end of the term of 12 months whichever first occurs the woman may apply or re-apply to a doctor to be accepted by him for the provision to her of such services and sub-paragraph (b) above shall apply to such further application.

- (3) An application by a person to a doctor for acceptance as a temporary resident shall be made in writing on a form supplied by the Agency and provided by the doctor.”;
- (5) in regulation 20(1) (Assignment of persons to a doctor) for the proviso there shall be substituted:  
 “Provided that—  
 (i) a doctor shall not be required to provide contraceptive services for a patient assigned to him under this paragraph, unless pursuant to the provisions of regulation 19(2), he accepts her for the provision of such services;  
 (ii) a person shall not, without the consent of the Department be assigned under this paragraph to a doctor whose list exceeds the maximum permitted by these regulations.”;
- (6) in regulation 22(1) (Limitation of number of persons on doctors' lists) after the words “on his list” there shall be inserted:  
 “not counting any persons whom he has accepted for the provision of contraceptive services only.”;
- (7) at the end of regulation 27 (Arrangements for temporary residents) there shall be added the following paragraph:  
 “(3)(a) A woman to whom paragraph (1) and (2) would apply if she required treatment, may apply to a doctor who has undertaken to provide contraceptive services in an area in which she is temporarily resident, to be accepted by him for the provision to her as a temporary resident of contraceptive services.  
 (b) Where a woman has been accepted by a doctor for the provision to her of contraceptive services under Regulation 19(2) the provisions of paragraph (2) shall apply to terminate that provision as they apply to the removal of a patient from a doctor's list.”;
- (8) in regulation 32 (Remuneration of doctors) after sub-paragraph (i) there shall be added the following sub-paragraph:  
 “(j) fees for contraceptive services.”;
- (9) for regulation 36 (Terms of service for chemists) there shall be substituted:  
 “36. The arrangements which a Board is required by Article 63 of the Order to make for the supply of drugs and appliances to persons receiving general medical services, and of drugs to persons receiving general dental services shall—  
 (a) include provision for the supply of contraceptive substances and appliances; and  
 (b) incorporate the terms of service contained or referred to in Schedule 4.”;
- (10) for regulation 37(4) (Pharmaceutical list) there shall be substituted:  
 “(4) A chemist on the pharmaceutical list shall within 14 days notify the Board of any change or addition affecting the entries which the pharmaceutical list is required to contain in relation to him and may at any time give notice in writing to the Board that he wishes to be included in or excluded from the arrangements to which regulation 36(a) refers.”;

(11) in Part X (Chemists) after regulation 40 there shall be inserted:

*“Interpretation*

**40A.**—In this part of these regulations, the word “drugs” shall include contraceptive substances and the word “appliances” shall include contraceptive appliances.”;

(12) at the end of regulation 41 (Arrangements for supply by doctors of drugs and appliances) there shall be added:

“(4) In this regulation, the word “drugs” shall include contraceptive substances and the word “appliances” shall include contraceptive appliances.”;

(13) in Schedule 1 (Terms of Service for Doctors)—

(a) after paragraph 3(1)(f) there shall be added the following:

“(g) women for whom he has undertaken to provide contraceptive services.”;

(b) after paragraph 7(4) there shall be added the following:

“(5) This paragraph shall not impose an obligation on the doctor to provide contraceptive services unless he had undertaken to provide such services.”;

(c) after paragraph 11(3) there shall be added the following:

“(4) For the purposes of this paragraph in relation to prescribing or dispensing by a doctor who has undertaken the provision of contraceptive services, the word “drugs” shall include contraceptive substances and the word “appliances” shall include contraceptive appliances.”;

(d) in paragraph 17, sub-paragraph (i) shall be deleted:

(14) in Schedule 4 (Terms of service for chemists) for paragraph 1 there shall be substituted:

*“Interpretation*

1. In this Schedule, unless the context otherwise requires—

- (1) The expression “drugs” in relation to drugs ordered by a dental practitioner means such drugs and medicines as are included in a list for the time being approved by the Department;
- (2) the expression “the regulations” means the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973;
- (3) except in the case of a chemist who has notified a Board pursuant to regulation 37(4) that he wishes to be excluded from the arrangements to which regulation 36(a) refers, the word “drugs” shall include contraceptive substances and the word “appliances” shall include contraceptive appliances;
- (4) other words and expressions have the same meaning as in the regulations.”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 25th June 1975.

(L.S.)

*R. J. Christie*

Assistant Secretary

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 25th June 1975.

(L.S.)

*D. Clement*

Assistant Secretary

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#### EXPLANATORY NOTE

*(This note is not part of the regulations but is intended to indicate their general purport.)*

These regulations provide for contraceptive services to be included in the personal medical services given by general medical practitioners by arrangement with Health and Social Services Boards. They provide that such services are to be available for women and to be so available for 12 months at any one time; for the termination of arrangements between women and doctors for such services and for women who are temporarily resident away from their homes to be able to obtain such services from another doctor. They also provide for the related supplies of contraceptive substances and appliances to be available through chemists providing pharmaceutical services.