

1983 No. 182

HEALTH AND PERSONAL SOCIAL SERVICES**General Medical and Pharmaceutical Services (Amendment) Regulations
(Northern Ireland) 1983***Made*

11th July 1983

Coming into operation

22nd August 1983

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 56 and 107 of 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 Personnel(b) and after consultation with such organisation as appeared to the Department to be representative of the medical profession hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the General Medical and Pharmaceutical Services (Amendment) Regulations (Northern Ireland) 1983, and shall come into operation on 22nd August 1983.

Amendment of regulations

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

(1) In regulation 4(1)(b) (Medical List) line 5 after the words "patients for whom they" there shall be inserted the words "or their partners".

(2) In regulation 4(3) line 4 after the words "or main surgery is" there shall be inserted the words "or is to be".

(3)(a) After regulation 4(3) there shall be inserted the following paragraph:—

"(4) Any application made by a doctor for inclusion on the medical list shall be supported by such evidence that he is suitably experienced within the meaning of Article 8(2) of the Health and Personal Social Services (Northern Ireland) Order 1978(d) as is required by Regulation 3 of the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1979(e)."

(b) The existing paragraphs 4(4), 4(5), 4(6) and 4(7) shall be renumbered as paragraphs 4(5), 4(6), 4(7) and 4(8) respectively.

(4)(a) In line 2 of regulation 20(3)(a) there shall be deleted the words "(1) or";

(b) regulation 20(3)(c) shall be deleted;

(c) in line 1 of regulation 23(1) for the words "Regulations 20(1) and 22(3)" there shall be substituted the words "Regulation 22(3)".

(5)(a) After regulation 24(2) there shall be inserted the following paragraph:—

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

(b) Formerly Department of Finance: see S.I. 1982/338 (N.I. 6) Art. 3

(c) S.R. & O. (N.I.) 1973 No. 421. The relevant amending regulations are S.R. 1975 No. 180, S.R. 1976 No. 199, S.R. 1976 No. 285 and S.R. 1981 No. 229

(d) S.I. 1978/1907 (N.I. 26)

(e) S.R. 1979 No. 460

“(3) Where contraceptive services were provided by a doctor whose name has been removed from the medical list and the Board has granted permission to another doctor to succeed to the vacancy and that doctor undertakes to provide contraceptive services to at least the same extent as his predecessor, the Agency shall send to each woman accepted by the former doctor a notice informing her that the latter doctor will provide her with contraceptive services to the like extent and for the remainder of the term for which she had been accepted by the former doctor and requesting agreement or otherwise to this course of action on a form provided by the Agency.”

(b) The existing paragraphs 24(3) and 24(4) shall be renumbered as paragraphs 24(4) and 24(5) respectively.

(6) In Schedule 1 (Terms of Service for Doctors)—

(a) to paragraph 9 there shall be added the following:—

“Juries (Northern Ireland) Order 1974(a)
Northern Ireland Assembly Elections Order 1982(b)
Social Security (Northern Ireland) Order 1982(c);”

(b) for paragraphs 14(10) and 14(11) there shall be substituted the following paragraphs:—

“(10) Without prejudice to sub-paragraph (1) in relation to his terms of service and subject to sub-paragraph (12), a doctor is responsible for all acts or omissions of any doctor acting as his deputy, whether or not he is a partner or assistant, or of any deputising service while acting on his behalf or of any person employed by, or acting on behalf of, him or such a deputy or deputising service, provided that a doctor shall not be responsible for any act or omission for which a deputy is responsible under sub-paragraph (11).

(11) A doctor, whose name is included on the medical list, when acting as deputy to another doctor whose name is also included on that list, shall be responsible for his own acts and omissions in relation to the obligations under these terms of service of the doctor for whom he acts as deputy and for the acts and omissions of any persons employed by him or acting on his behalf.”

(c) in paragraph 17(1) there shall be added at the end the following sub-paragraph:—

“(m) for prescribing or supplying medicine for a patient who requires to have it in his possession solely in anticipation of the onset of an ailment while he is outside the United Kingdom but for which he is not requiring treatment when the medicine is prescribed or supplied.”

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 11th July 1983.

(L.S.)

J. A. Wylie

Assistant Secretary

Sealed with the Official Seal of the Department of Finance and Personnel for Northern Ireland on 11th July 1983.

(L.S.)

N. R. Cowling

Assistant Secretary

(a) S.I. 1974/2143

(b) S.I. 1982/1135

(c) S.I. 1982/1084 (N.I. 16)

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973. They make a number of miscellaneous amendments to certain provisions of those regulations relating to the terms on which doctors provide general medical services.

The amendments enable a doctor to receive fees from a patient for prescribing or supplying medicine in case he should suffer from an illness abroad (regulation 2(6)(c)).

Regulation 2(6)(a) adds to the list of medical certificates issued by a doctor free of charge to patients those required:—

- for the purpose of the statutory sick pay scheme under the Social Security (Northern Ireland) Order 1982;
- by a person seeking excusal from jury service on the grounds of ill health under the Juries (Northern Ireland) Order 1974; and
- by a person seeking to vote by post in Northern Ireland Assembly Elections.

The amendments give a doctor the right to have an assigned patient removed from his list on the same basis as any other patient (regulation 2(4)(a), (b) and (c)) and provide, where a doctor is no longer on the medical list, for the automatic transfer of patients receiving contraceptive services to the doctor succeeding to the practice vacancy (regulation 2(5)(a)). They also widen the category of a doctor's own patients to include those of his partners so that he can provide contraceptive services to all the partnership's patients without having to undertake to provide such services to patients not on the partnership's list (regulation 2(1)).

Regulations 2(3)(a) and 2(2) insert provisions required as a result of the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1979 and the European Communities (Medical, Dental and Nursing Professions) (Linguistic Knowledge) Order 1981. They require applicants for inclusion in the medical list to provide evidence of suitable experience and, in the case of those coming from abroad, to indicate the area in which the intended surgery will be situated.

Regulations 2(3)(b) and 5(b) correct references and 6(b) contains drafting improvements for clarification.