

## 1994 No. 500

**HEALTH AND PERSONAL SOCIAL SERVICES****General Medical and Pharmaceutical Services  
(Amendment No. 3) Regulations (Northern Ireland) 1994***Made* . . . . . 22nd December 1994*Coming into operation* . . . . . 1st January 1995

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 56, 106, and 107(6) 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 and after consultation with such organisations as appeared to the Department to be representative of the Medical profession, as required by Article 56(5) of that Order, hereby makes the following regulations:

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the General Medical and Pharmaceutical Services (Amendment No. 3) Regulations (Northern Ireland) 1994 and shall come into operation on 1st January 1995.

(2) In these regulations, the “principal regulations” means the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973(b).

*Temporary provision of general medical services*

1.—(1) In regulation 25 of the principal regulations (temporary provision of general medical services), after paragraph (6) there shall be inserted—

“(6A) No doctor may be appointed under paragraph (2) or (6) unless he is suitably experienced within the meaning of Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1978(c) (other than by virtue of being a restricted services principal).”

(2) This regulation is without prejudice to any appointment subsisting when these regulations come into operation.

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(a) S.I. 1972/1265 (N.I. 14), as amended by S.I. 1978/1907 (N.I. 26), S.I. 1981/432, S.I. 1986/2229 (N.I. 24), and S.I. 1991/194 (N.I. 1)

(b) S.R. & O. (N.I.) 1973 No. 421, relevant amending regulations are 1989 No. 454 and S.R. 1992 No. 232

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

*Assistants and deputies*

2.—(1) This regulation is subject to regulation 3.

(2) Schedule 1 to the principal regulations (terms of service for doctors) shall be amended as follows.

(3) In paragraph 14 (deputies, assistants and partners), in sub-paragraph (4) heads (b) to (e) shall be deleted and the following heads substituted—

“(b) before entering into any arrangements with a deputising service for the provision of a deputy, a doctor shall

- (i) obtain the written agreement of the deputising service that any doctor provided to him by the deputising service will be suitably experienced within the meaning of Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1978 (other than by virtue of being a restricted services principal) or will have the acquired right specified in regulation 5(1)(d) of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994(a), and
- (ii) obtain the consent of the Board;
- (c) the Board shall refuse its consent if the doctor has not obtained the written agreement of the deputising service as referred to in head (b)(i);
- (d) in giving its consent, the Board
  - (i) shall impose the condition that the agreement referred to in head (b)(i) remain in force, and
  - (ii) may impose such other conditions as it considers necessary or expedient to ensure the adequacy of such arrangements;
- (e) references in heads (f) to (h) to refusing consent and to conditions do not include refusing consent under head (c) or the condition set out in head (d)(i);
- (f) before refusing its consent or imposing any conditions, the Board shall consult the Local Medical Committee;
- (g) the Board may at any time, and shall periodically, review, in consultation with the Local Medical Committee, any consent given or conditions imposed under heads (b)(ii) and (d)(ii) in relation to any doctor and may withdraw such consent or vary such conditions;
- (h) a doctor may appeal to the Department against refusal of consent or the imposition of a condition under this paragraph or against withdrawal of consent or variation of conditions under this paragraph;
- (i) an appeal under head (h) shall be made in writing within 30 days of the decision of the Board and shall set out the grounds of appeal;

- (j) in determining an appeal under head (h) the Department may substitute for the Board's decision such decision and conditions as it thinks fit;
- (k) the expression "deputising service" in this paragraph shall include any person who, or body which, undertakes to provide as part of his or its business a deputy for doctors."
- (4) After paragraph 14(12) there shall be inserted—
- “14A—(1) A doctor shall not engage another doctor as a deputy, or employ one as an assistant (other than as a trainee general practitioner), unless the other doctor—
- (a) is suitably experienced within the meaning of Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1978 (other than by virtue of being a restricted services principal); or
- (b) has the acquired right specified in regulation 5(1)(d) of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994.
- (2) A doctor shall from time to time, and at any time when there are grounds for doing so, take reasonable steps to satisfy himself that a deputising service with which he has entered into arrangements for the provision of any deputy continues to comply with the agreement referred to in paragraph 14(4)(b)(i).
- (3) If the Board so requests, a doctor shall furnish it with evidence that such a deputising service is continuing to comply with that agreement.”.
- (5) Paragraph 14A (employees) shall be re-numbered as paragraph 14AA. In that paragraph after sub-paragraph (1) there shall be inserted—
- “(1A) The duty imposed by paragraph (1) is in addition to the duty imposed by paragraph 14A(1) so far as it relates to assistants.”.

#### *Existing circumstances*

3.—(1) Nothing in regulation 1 or 2 requires a doctor to terminate or vary any existing contract of employment or contract for services, or any existing arrangement he has with a deputising service, before he has the right to do so under the terms of the contract or arrangement.

(2) In paragraph (1), "existing" means existing on the date these regulations come into operation.

Sealed with the Official Seal of the Department of Health and Social Services on 22nd December 1994.

(L.S.)

*Joan Dixon*

Assistant Secretary

Sealed with the Official Seal of the Department of Finance and Personnel  
on 22nd December 1994.

(L.S.)

R. Miller

Assistant Secretary

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EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations arise out of Title IV of Council Directive 93/16/EEC of 5th April 1993 (O.J. No. L165, 7th July 1993, p. 1) to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications. Title IV of the Directive is about vocational training for doctors providing general medical services in the national social security schemes of the member States, and comes fully into effect on 1st January 1995.

The regulations amend the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973 ("the principal regulations") to provide that any doctor, appointed by a Board to provide temporary general medical services, or employed as a deputy or assistant by another doctor, must be suitably experienced by way of vocational training or have acquired the right to practise without a vocational training certificate (regulations 1 and 2).

Regulation 3 provides that a doctor is not required to terminate or vary an existing contract of employment or an arrangement with a deputising service before he has the right to do so under the terms of that contract or arrangement.

Regulation 2 also standardises the existing time limits within which a doctor may appeal to the Department against a Board's decision on his proposed deputising arrangements.

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**1994 No. 501**

This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.