
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 380

General Medical Services Regulations (Northern Ireland) 1997

Part III

General medical services other than child health surveillance services, contraceptive services, maternity medical services and minor surgery services

Doctors' lists

18.—(1) In respect of each doctor whose name is included in the medical list, the Agency shall prepare and keep up to date a list of the patients accepted by or assigned to the doctor under this Part, otherwise than as temporary residents.

(2) The Agency shall, from time to time, give each doctor whose name is included in the medical list the information described in Part V of Schedule 3 with regard to persons included in or removed from his list.

(3) Subject to regulation 21(7), a person accepted by a doctor for inclusion in his list shall be included in that list from the date on which notification of such acceptance is received by the Agency.

(4) Where a person for whose treatment a doctor is responsible dies, or is absent from the United Kingdom for a period of more than 3 months, he shall be removed from the doctor's list from the date on which the Agency first receives notification of the death or that the absence has exceeded 3 months.

(5) Where a person for whose treatment a doctor is responsible—

- (a) leaves the United Kingdom with the intention of being away for a period of at least 3 months;
- (b) is enlisted in Her Majesty's forces;
- (c) is serving a sentence of imprisonment of more than 2 years or sentences totalling in the aggregate more than that period at a prison or young offenders centre,

he shall be removed from the doctor's list from the date on which the Agency first receives notification of the departure, enlistment or imprisonment.

(6) Any removal of a person from a doctor's list caused by the transfer of a person to the list of another doctor, otherwise than in pursuance of a notice under regulation 21(7) or (10), shall take effect—

- (a) from the date on which the Agency receives notification of the acceptance of the person by the last-named doctor for inclusion in his list; or
- (b) subject to the consent of the Agency, from such date, being not earlier than the date of that consent, as may be agreed between the doctors.

(7) Where a doctor has requested the Agency to remove a person from his list in accordance with paragraph 9 of Schedule 2, the removal shall take effect from the date mentioned in that paragraph.

(8) Where a doctor has requested the Agency to remove a person from his list with immediate effect in accordance with paragraph 10 of the terms of service—

- (a) such removal shall take effect at the time mentioned in sub-paragraph (3) of that paragraph; and
- (b) on receipt of the notification mentioned in sub-paragraph (1) of that paragraph, the Agency shall—
 - (i) in writing, acknowledge it and also give notice of the removal to the person concerned; and
 - (ii) take all reasonable steps to assign the person to another doctor before the end of the next working day, or as soon as possible thereafter, and regulation 20 shall apply to such an assignment as if the person had applied for an assignment in accordance with that regulation but as if the word “still” were omitted from paragraph (4) of that regulation.

(9) Any other removal of a person from a doctor’s list shall take effect from the date on which the notice is sent by the Agency to the doctor or from such other date, not being earlier than that date, as may be agreed between the Agency and the doctor.

Application for services

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(1) apply) to a doctor for inclusion in his list for the provision of general medical services, shall be made by delivering to the doctor a medical card or a form of application, approved by the Agency, signed (in either case) by the applicant or a person authorised on his behalf in accordance with paragraph (2).

(2) An application to a doctor for inclusion in his list may be made (otherwise than by the doctor concerned)—

- (a) on behalf of any child, by either parent or, in the absence of both parents, the guardian or other adult person who has the care of the child;
- (b) on behalf of any person who is incapable of making such an application, by a relative or other adult person who has the care of such person; or
- (c) on behalf of any person under 18 years of age who is—
 - (i) in the care of an authority in whose care he has been placed under the provisions of the Children (Northern Ireland) Order 1995(2), by a person duly authorised by that authority;
 - (ii) in the care of a voluntary organisation, by that voluntary organisation or a person duly authorised by it; or
 - (iii) in a training school, by the manager of that training school.

Assignment of persons to doctors

20.—(1) Where—

- (a) a person who is not on the list of any doctor has been refused acceptance by a doctor for inclusion in his list; or
- (b) a person has been refused such acceptance by a doctor as a temporary resident,

he may apply to the Agency for assignment to a doctor, and the provisions of this regulation shall apply in relation to that application.

(1) S.R. & O. (N.I.) 1970 No. 56

(2) S.I. 1995/755 (N.I. 2)

(2) An application under paragraph (1) shall be made in writing and shall be considered by the Agency, which shall assign the applicant to such doctor whose name is included in the medical list as it thinks fit, having regard to—

- (a) the respective distances between the person's residence and the practice premises of the doctors in the area;
- (b) whether within the previous six months the person has been removed from the list of any doctor in that area at the request of that doctor; and
- (c) such other circumstances, including those concerning the doctors in that area and their practices, as the Agency shall think relevant,

and shall notify the doctor accordingly.

(3) Nothing in paragraph (2) shall—

- (a) require a doctor to provide child health surveillance services, contraceptive services, maternity medical services or minor surgery services for a patient who is assigned to him unless, pursuant to regulation 27, 28, 34 or 36, as the case may be, he has accepted that patient for the provision of such services; or
- (b) enable the Agency to assign any person to a doctor whose list equals or exceeds the maximum number, without the consent of the Department.

(4) Where the Department refuses its consent for the purpose of paragraph (3)(b), and the Agency is satisfied, after due enquiry, that the person concerned still wishes to be assigned to a doctor, it shall, as soon as practicable, assign that person to another doctor or, as the case may be, seek the Department's consent, where required under paragraph (3)(b), for assignment to another doctor.

(5) The Agency may exempt from the liability to have persons assigned to him under this regulation, any doctor who applies to the Agency for that purpose and, in considering such an application, shall have regard to the doctor's age, state of health and the number of persons on his list and, where the application relates only to a specified person who has previously been removed from the list of the doctor, the circumstances of that removal; and the Agency shall notify any such doctor in writing of any decision under this paragraph.

Change of doctor

21.—(1) A person who is on a doctor's list of patients may apply to any other doctor providing general medical services for acceptance on that other doctor's list of patients.

(2) An application for the purposes of paragraph (1) shall be made in accordance with regulation 19.

(3) A person who has made an application under paragraph (1) and has been refused acceptance by any doctor, may apply to the Agency for assignment to a doctor whose name is included in the medical list.

(4) The Agency shall inform a doctor as soon as practicable of the removal of a patient from his list on transfer to the list of another doctor.

(5) Subject to paragraphs (6) and (7), the Agency shall, on the death of a doctor, or on the removal or withdrawal from the medical list of the name of any doctor, notify the persons on the list of that doctor of such death, removal or withdrawal.

(6) Where a successor is appointed to a practice declared vacant, the Agency shall, by notice in writing, inform the persons on the list of the doctor who last carried on that practice of the name of the successor (and, if more than one, of each of them) and of the names of any partners and of the address of their practice premises.

(7) The notice mentioned in paragraph (6) shall state that the person to whom it is given will be deemed, from the date specified in the notice, to be on the list of a named successor, unless that

person within 14 days of that date gives notice in writing to the Agency that he does not wish to be included in that list.

(8) Where no successor is to be appointed to a practice, the Agency shall notify each person on the list of the doctor who last carried on that practice, that his name has been removed from that list and either—

(a) that his name has been transferred to the list of another doctor named in the notice who may, or may not, have been a partner of the doctor whose name has been removed from the medical list; or alternatively

(b) that he has the right to apply to another doctor for acceptance for inclusion in his list,

and where sub-paragraph (a) applies, the Agency shall request the person to inform it whether he is agreeable to the transfer.

(9) A doctor who has returned to his practice at the end of a period of relevant service (in this regulation called “the first doctor”) shall, within one month of his return, inform the Board in writing that he has resumed practice and the Board shall notify the Agency of such resumption.

(10) Where the Agency has been notified in accordance with paragraph (9) it shall, within 28 days, send a notice to every person who—

(a) was on the first doctor’s list at the beginning of a period of relevant service; and

(b) is still residing at the address at which he was then residing and who has been transferred, by reason only of the doctor’s departure on relevant service, to the list of another doctor,

stating that the first doctor has resumed practice and that the person will be restored to his list unless, not later than 14 days after the date of the notice, that person gives notice in writing to the Agency that he wishes to remain on the list of the other doctor.

(11) After the expiry of the period of 14 days mentioned in paragraph (10), the Agency shall inform each of the other doctors concerned of the persons who are transferred from his list to the list of the first doctor and shall also inform each of those other doctors of the persons who have elected to remain on his list.

(12) Nothing in this regulation shall require the Agency to give any notice concerning the making or termination of arrangements under regulation 24.

Removal from doctor’s list

22.—(1) Where a person no longer wishes to avail himself of general medical services—

(a) he may, at any time, give notice to the Agency that he wishes to be removed from a doctor’s list; and

(b) the Agency shall notify him and the doctor concerned that, on a specified date, being 14 days after the date of the receipt of the notice by the Agency, his name will be removed from the doctor’s list.

(2) Subject to paragraph (4), where the Agency is satisfied that a person on the list of a doctor providing general medical services no longer resides at a place where that doctor is under an obligation under these Regulations to visit and treat him, the Agency shall—

(a) inform that person and the doctor that the doctor is no longer obliged to visit and treat the person;

(b) advise the person in writing either to obtain the doctor’s agreement under paragraph 14(5) (b) of the terms of service to visit him if his condition so requires, or to seek acceptance for inclusion in the list of another doctor; and

- (c) inform the person that if, after the expiration of 30 days from the date of the written advice mentioned in sub-paragraph (b), he has not acted in accordance with that advice, the Agency will remove him from the doctor's list.
- (3) If, at the expiration of the period of 30 days referred to in paragraph (2)(c), the Agency has not been notified of the action taken, it shall remove the patient from the doctor's list and inform him and the doctor accordingly.
- (4) Where a person on the list of a doctor providing general medical services has moved to an address outside the area in which the doctor has undertaken to provide such services or the address of that person is no longer known to the Agency, the Agency shall—
 - (a) give to that doctor notice in writing that it intends, at the end of the period of 6 months commencing with the date of the notice, to remove the person from the doctor's list; and
 - (b) at the end of that period, remove the person from the doctor's list, unless within that period the doctor satisfies the Agency that he is still responsible for providing general medical services for that person, including visiting and treating him when necessary.
- (5) Where the Agency receives particulars of persons who are pupils at, or staff or residents of, a school or residential institution where a doctor provides general medical services, it shall remove from that doctor's list any persons appearing on his list as pupils at, or staff or residents of, that school or institution who are not shown in those particulars.
- (6) Where the Agency has made a request to a school or residential institution to provide the particulars mentioned in paragraph (5) and has not received them, it may, after consulting the doctor, remove from the doctor's list any persons appearing on the list as pupils at, or staff or residents of, the school or institution.

Limitation on number of persons on doctors' lists

23.—(1) This regulation applies as to the aggregate maximum number (“the maximum number”) of persons a doctor may have on his list in all areas in which he provides general medical services in addition to any persons whom he has accepted for inclusion in his list for the provision of contraceptive services only.

(2) Except as otherwise provided in this regulation, and in regulation 24(16), the maximum number shall be—

- (a) 3,500 for a doctor carrying on practice otherwise than as an assistant or in a partnership;
- (b) 4,500 for a doctor carrying on practice in partnership, subject to a maximum average of 3,500 for each of the partners in the practice,

and, where the doctor employs an assistant, such further number not exceeding 2,000 for each assistant as the Agency or, on appeal, the Department, may decide having regard to the circumstances of the practice and the amount of time given to it by any assistant.

(3) For the purposes of determining the maximum number of persons on a doctor's list, the number of persons allocated to an assistant shall be regarded as being on the list of the doctor by whom he is employed.

(4) For the purposes of paragraph (2), a doctor who is in partnership shall be deemed to be an assistant, and not a partner, unless the Board or, on appeal, the Department is satisfied that—

- (a) he discharges the duties and exercises the powers of a partner in connection with the practice of the partnership; and
- (b) either—
 - (i) in the case of a full-time doctor, he is entitled to a share of the profits which is not less than one third of the share of the partner with the greatest share; or

- (ii) in the case of a three-quarter-time doctor, he is entitled to a share of the profits which is not less than one quarter of the share of the partner with the greatest share; or
- (iii) in the case of a half-time doctor, he is entitled to a share of the profits which is not less than one fifth of the share of the partner with the greatest share; or
- (iv) in the case of a job-sharing doctor who practises in partnership with another job-sharing doctor and at least one other doctor, he is entitled to a share of the profits which, when added to the share of the other job-sharing doctor with whose hours his hours are being aggregated for the purposes of regulation 13, is not less than one third of the share of the member of the partnership with the greatest share.

(5) The Agency shall notify each doctor of the number of patients on his list as at the first day of each quarter and of the number of any excess over the maximum number.

(6) A doctor shall, within 2 months from the date on which the excess was notified to him in accordance with paragraph (5), take steps to reduce the number of persons on his list to the maximum number by—

- (a) taking a partner;
- (b) engaging an assistant; or
- (c) notifying the Agency of the names of the necessary number of patients on his list whom he wishes to have removed from his list under paragraph 9 or 11 of the terms of service,

and if, at the end of that time, the measures mentioned in this paragraph have not resulted in the reduction of the number of persons to the maximum number, the Agency shall remove from his list the necessary number of patients, the selection of such patients being at the discretion of the Agency.

(7) Where—

- (a) a doctor gives notice under paragraph (6)(c); or
- (b) a doctor whose name is included in the medical list in respect of more than one address and who ceases to practise at any one of them, informs the Agency of his wish to have removed from his list the patients who would have attended for treatment at the address at which he has ceased to practise,

the Agency shall, subject to paragraph (8), send a notice to each person to whom sub-paragraph (6)(c) applies or sub-paragraph (b) relates to inform him that he should apply to another doctor for acceptance for inclusion in his list.

(8) The Agency, after consulting the relevant Local Medical Committee, may permit the doctor who wishes to have the patient removed from his list under paragraph (6)(c) or (7)(b), to name another doctor who—

- (a) is willing to accept the person for inclusion in his list; and
- (b) has given his written consent in circumstances where such acceptance will not result in the number of patients on that other doctor's list exceeding the maximum number,

the Agency shall notify that person accordingly and the name of any such person shall be included in the list of the doctor named in the notice until such time as the person has chosen another doctor or has informed the Agency in writing that he wishes not to be so included.

(9) Where the number of patients on a doctor's list exceeds the maximum number and is due to—

- (a) the creation of a partnership of which the doctor is a member; or
- (b) the death or retirement of a partner or the cessation of employment of an assistant in circumstances where the doctor is actively seeking a new partner or assistant,

the Agency may, on the doctor's undertaking not to accept for inclusion in his list further patients other than the children of existing patients, permit him to retain, for such period not exceeding 9 months as it may determine from the date of the event which resulted in the number of patients

exceeding the maximum number, all the patients on his list (and, in a case falling within subparagraph (b), on the list, if any, of his former partner) at that date.

(10) The Agency may, with the consent of the Department, extend any period mentioned in paragraph (9).

(11) The Agency may, in special circumstances, subject to consent of the Department and any conditions it may impose, permit a doctor to have on his list such number of persons in excess of the maximum number as it thinks fit.

(12) In carrying out its function under this regulation, the Agency shall consult as necessary with the relevant Board.

(13) Nothing in this regulation shall—

- (a) restrict a doctor from accepting for inclusion in his list persons who apply to him as temporary residents; or
- (b) exempt him from any liability under the terms of service to give treatment immediately required to any person who applies for acceptance for inclusion in his list or to give emergency treatment.

(14) An appeal under paragraph (2) or (4) shall be made by sending to the Department within 30 days of the date on which notice of the decision of the Agency was given, a notice of appeal containing a concise statement of the grounds of appeal.

(15) The Department shall, on receipt of any notice of appeal under this regulation, send a copy of that notice to the Agency.

(16) The Agency may, within 30 days from the date on which the Department sent a copy of the notice of appeal, submit representations in writing to the Department on the appeal.

(17) On any appeal pursuant to paragraph (2) or (4), the Department may hold an oral hearing and, in such a case, shall, not less than 14 days before the date fixed for the hearing, give notice in writing to the appellant and to the Agency.

(18) The Department shall, upon determination by it of an appeal under this regulation, give notice of its decision in writing, together with the reasons for it, to the appellant and to the Agency.

Temporary provision of services

24.—(1) This regulation applies to the making of arrangements for the temporary provision of general medical services.

(2) Where a doctor's name ceases to be included in the medical list or his registration is suspended under sections 37(1) or (2), 38(1) and 42(3)(b) of the Medical Act 1983(3), the Board may, after consultation with the Local Medical Committee—

- (a) make arrangements for the temporary provision of general medical services for that doctor's patients, which may consist of or include the appointment of one or more doctors to undertake the treatment of such persons; and
- (b) where—
 - (i) the doctor whose name was included in the medical list by virtue of regulation 4(1)(a) dies; and
 - (ii) within 7 days of the date of death, any person applies to the Board in writing on behalf of the estate of that doctor for the appointment of one or more named doctors, appoint one or more of the named doctors to undertake the treatment of the deceased doctor's patients,

and where a doctor is suspended by direction of the Tribunal the Board shall, after consultation with the Local Medical Committee, make arrangements for the temporary provision of general medical services for the suspended doctor's patients with one or more doctors whose names are included in the medical list (one or more of whom may be partners of the suspended doctor) or with one or more doctors appointed for the purpose, or both.

(3) The Board may make such arrangements as it thinks fit (including arrangements in relation to accommodation) to enable any doctor appointed in accordance with paragraph (2) to undertake the treatment of the deceased doctor's patients and, in the case of any doctor appointed under paragraph (2)(b), shall, where practicable, first consult the person who applied to it for the appointment of that doctor.

(4) Subject to paragraphs (10), (16) and (17), arrangements under paragraph (2) shall subsist for such period as the Board may determine but not beyond the date on which the vacancy is filled or the suspension referred to in that paragraph ceases to have effect.

(5) Where it appears to a Board, after consultation with the Local Medical Committee, that a doctor is incapable of carrying out his obligations under the terms of service because of his physical or mental condition, it may require him to be medically examined.

(6) Where a Board is satisfied—

- (a) after receiving from the Local Medical Committee a report of a medical examination under paragraph (9) that, because of his physical or mental condition; or
- (b) that because of his continued absence,

a doctor's obligations under the terms of service are not being carried out adequately, it may, after consultation with the Local Medical Committee and with the consent of the Department, make arrangements for the temporary provision of general medical services for that doctor's patients which may consist of or include the appointment of one or more doctors to undertake the treatment of such persons, and may vary such arrangements as necessary.

(7) A doctor shall not be appointed under paragraph (2) or (6) unless he is suitably experienced (other than by virtue of being a restricted services principal) within the meaning of Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1978(4).

(8) Subject to paragraph (11), arrangements under paragraph (6) shall subsist for such period as the Board may determine but not, in a case to which paragraph (6)(a) applies, beyond the date on which the Board is satisfied, after consulting the Local Medical Committee, that the doctor is fit to resume his practice.

(9) Where under paragraph (5) or (10) a doctor is required to be medically examined—

- (a) he shall submit himself for medical examination by a doctor appointed by the Local Medical Committee; and
- (b) the Local Medical Committee, having considered the report of that medical examination, shall make a report in writing to the Board as to the doctor's capability to carry out his obligations under the terms of service.

(10) Before varying or terminating any arrangements made under paragraph (6), but after consulting the Local Medical Committee, the Board may require the doctor to be medically examined.

(11) Where the Board proposes that the arrangements under paragraph (2) or (6) shall continue—

- (a) for longer than one year;
- (b) for such shorter period as the Department may specify in any particular case; or

(c) beyond any period specified in sub-paragraph (a) or (b),
it shall so notify the Department in writing not less than 30 days, or as soon as is practicable, before the expiry of that period or further period and shall, in each case, obtain the consent of the Department to the continuance of the arrangements.

(12) The Board shall—

- (a) give reasonable notice, in writing, of the termination of arrangements under paragraph (2) or (6) to the doctor with whom they were made; and
- (b) as soon as is practicable, notify the Department in writing that such termination has taken place.

(13) Where the Board makes any arrangements under this regulation in relation to the treatment of the patients of any doctor it shall, where practicable, notify in writing that doctor of such arrangements and of their variation or termination.

(14) A doctor appointed under this regulation shall agree in writing to be bound throughout his appointment by the terms of service which were applicable to the doctor, the treatment of whose patients he is appointed (with or without the other doctors) to undertake, except that nothing in this regulation shall require him to provide child health surveillance services, contraceptive services, maternity medical services or minor surgery services which he has not undertaken to provide.

(15) Where paragraph (16) does not apply, any person on the list of the doctor for the treatment of whose patients arrangements are made under this regulation shall be deemed to remain on that list while those arrangements subsist, unless that person is transferred to the list of another doctor, and any person who applies to the doctor appointed under this regulation for acceptance for inclusion in his list shall, if so accepted, be recorded by the Agency as being—

- (a) where that doctor's name is included in the medical list by virtue of regulation 4(1)(a), on his list; and
- (b) in any other case, on the list of the doctor for the treatment of whose patients arrangements are made under this regulation.

(16) In the case of a doctor who has been suspended by direction of the Tribunal—

- (a) the Agency shall temporarily assign each of that doctor's patients to the list of one of the doctors with whom arrangements for the temporary provision of general medical services are made for the duration of those arrangements; and
- (b) to the extent necessary to accommodate any additional patients temporarily assigned under sub-paragraph (a), the limitation contained in regulation 23 on the number of persons who may be on a doctor's list shall not apply for the duration of those arrangements.

(17) Where arrangements such as are referred to in paragraph (16) are in operation when a suspension by direction of the Tribunal ceases to have effect—

- (a) in the case where the suspended doctor's name continues to be included in the medical list, the Agency shall reassign to him all those patients temporarily assigned under paragraph (16) who are still on the list of the doctor to whom they were so assigned; and
- (b) in the case where his name ceases to be included in the medical list, the arrangements referred to in paragraph (16) shall cease to have effect (without prejudice to any new arrangements which may be made under this regulation).

(18) The Agency—

- (a) may deduct from the remuneration of a doctor—
 - (i) for the treatment of whose patients arrangements are made under paragraph (6); or

- (ii) consequent upon whose suspension by direction of the Tribunal arrangements are made for the temporary provision of general medical services for that doctor's patients,
 - the cost, in whole or in part, of any such arrangements; and
 - (b) in the case of a doctor performing relevant service, shall deduct from his remuneration the cost of any such arrangements.
- (19) In the application of the Order to the making of arrangements for the temporary provision of general medical services and the provision of such services in pursuance of those arrangements—
- (a) Article 57(1) (which prohibits, with exceptions, payment of a fixed salary) shall have effect as if the words “otherwise than temporarily” were inserted after the words “general medical services”; and
 - (b) Article 56(2A)(5) (which contains requirements as to knowledge of English) shall apply to a doctor appointed under this regulation and, in respect of any such doctor, Article 56(2A) shall have effect as if for the words from “shall” to “paragraph (2)(a)” there were substituted the words “shall be appointed to provide general medical services temporarily”.

Temporary residents

25.—(1) A person who is 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(6) apply, who is residing temporarily in an area and who is not on the list of a doctor providing general medical services in that area, may, if he requires treatment, apply to any doctor to be accepted by him as a temporary resident.

(2) For the purposes of paragraph (1), a person shall be regarded as temporarily resident in a place if, when he arrives in that place, he intends to stay there for more than 24 hours but not more than 3 months.

(3) Subject to paragraph (4), a person who is accepted as a temporary resident shall not be removed from the list of any doctor in which he is already included.

(4) If the Agency is satisfied in relation to a person, after due enquiry—

- (a) that his stay in the area of temporary residence has exceeded 3 months; and
- (b) that he has not returned to the area of former residence,

it shall remove him from the doctor's list of patients in the area of his former residence and, if practicable, inform him of that fact and of his entitlement to seek acceptance for inclusion in the list of any doctor, including the doctor by whom he has been treated as a temporary resident, in the area in which he is living.

(5) Article 56(2A) was inserted by Article 5(1)(b) of S.I. 1981/432 and amended by Article 29 of S.I. 1991/194 (N.I. 1)

(6) S.R. & O. (N.I.) 1970 No. 56