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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 380**

**General Medical Services Regulations (Northern Ireland) 1997**

**Part IV**

**Child health surveillance services, contraceptive services,  
maternity medical services and minor surgery services**

**Child health surveillance list**

**26.**—(1) Each Board shall maintain a list (in these regulations referred to as “a child health surveillance list”) of the names of those doctors in its area who have satisfied it or, on appeal, the Department, in accordance with the following provisions of this regulation, that they have such medical experience and training as are necessary to enable them properly to provide child health surveillance services.

(2) A doctor may apply, in accordance with paragraph (3), to the Board for the area in which his main practice premises are situated for the inclusion of his name in the child health surveillance list.

(3) An application for the purpose of paragraph (2) shall be made in writing and shall include the information specified in Part VI of Schedule 3.

(4) Unless the doctor otherwise agrees, the Board shall determine an application made in accordance with paragraph (3) within 2 months of receiving it.

(5) The Board may hold an oral hearing of any application and shall not refuse an application without giving the doctor an opportunity of an oral hearing.

(6) Where the Board decides to hold an oral hearing, it shall, not less than 14 days before the date fixed for the hearing, give notice in writing to the doctor.

(7) When determining an application under this regulation the Board shall have regard in particular to—

- (a) any postgraduate qualification held by him relevant to the provision of child health surveillance services; and
- (b) the criteria listed in paragraph 1 of Part VII of Schedule 3,

and shall seek and take into account any medical advice it considers necessary to enable it to determine the application.

(8) The Board shall determine an application by either—

- (a) granting the application; or
- (b) refusing the application.

(9) The Board shall give notice in writing to the doctor of its determination and shall—

- (a) where it grants the application, include the doctor’s name in the child health surveillance list; or
- (b) where it refuses the application, inform him of the reasons for its determination and of his right to appeal under paragraph (10).

(10) If an application is refused in accordance with paragraph (8)(b), the doctor may appeal in writing to the Department within 30 days of receiving notice in writing of the Board's determination.

(11) On any appeal pursuant to paragraph (10) or (15) the Department—

- (a) may, if it thinks fit, hold an oral hearing of the appeal 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 Board;
- (b) in determining the appeal, shall either confirm or reverse the determination of the Board and shall communicate its decision in writing, together with the reasons for it, to the appellant and the Board;
- (c) where it reverses the determination of the Board, shall direct that the Board include the doctor's name in the child health surveillance list.

(12) Subject to paragraphs (13) to (17), a doctor's name may be removed by the Board from the child health surveillance list if—

- (a) it has been removed from the medical list pursuant to regulation 5(3) or regulation 6; or
- (b) the Board has determined that the doctor has not provided child health surveillance services at any time during the past 5 years; or
- (c) the Board has determined that the doctor has not complied with the criterion set out in paragraph 2 of Part VII of Schedule 3 for continued inclusion in the child health surveillance list.

(13) Before making any determination under sub-paragraph (b) or (c) of paragraph (12) the Board shall—

- (a) give the doctor 30 days' written notice of its intention to do so; and
- (b) afford the doctor an opportunity of making representations in writing or, if he so desires, orally to the Board.

(14) Where the Board makes a determination under sub-paragraph (b) or (c) of paragraph (12), it shall send to the doctor a notice which shall include a statement—

- (a) to the effect that, subject to any appeal to the Department under paragraph (15), the doctor's name will, after 30 days from the date of the notice, be removed from the child health surveillance list;
- (b) of the Board's reasons for its determination; and
- (c) of the doctor's right of appeal under paragraph (15).

(15) A doctor who has received a notice in accordance with paragraph (14) may, within 21 days of receiving it, appeal to the Department against the determination of the Board and, pending the determination of the appeal, the Board shall not remove his name from the child health surveillance list.

(16) An appeal to the Department pursuant to paragraph (15) shall be made in writing and shall include a statement of the grounds of appeal and on any such appeal the Department shall, if it allows the appeal, direct that the Board shall not remove the doctor's name from the child health surveillance list.

(17) The Board shall comply with any direction given to it under this regulation.

(18) Where the Department holds an oral hearing of an appeal pursuant to paragraph (11)(a), the appellant and the Board may be represented by counsel, solicitor or any other person.

### **Obtaining child health surveillance services**

**27.—**(1) A parent may, in relation to a child of his who is under the age of 5 years, apply to a doctor—

(a) who is—

- (i) the doctor on whose list the child is included (in this paragraph referred to as “the child’s doctor”);
- (ii) a doctor with whom the child’s doctor is in partnership; or
- (iii) a doctor with whom the child’s doctor is associated in a group practice; and

(b) whose name is included in the medical list and in the child health surveillance list, for the provision of child health surveillance services in respect of that child for a period ending on the date on which that child attains the age of 5 years.

(2) A doctor whose name is included in the medical list may, in respect of any person on his list or on the list of a doctor with whom he is in partnership or with whom he is associated in a group practice, undertake to provide child health surveillance services, provided that—

- (a) his name is also included in the child health surveillance list; and
- (b) the person in question is a child who is under the age of 5 years.

(3) A doctor who has undertaken, pursuant to paragraph (2), to provide child health surveillance services to any child shall, in respect of that child—

- (a) provide all the services described in paragraph 1 of Schedule 4 other than any examination so described which the parent refuses to allow the child to undergo, until the date upon which the child attains the age of 5 years;
- (b) maintain such records as are specified in paragraph 2 of that Schedule; and
- (c) furnish the Board with such information as is specified in paragraph 3 of that Schedule in accordance with the requirements of that paragraph.

(4) An undertaking to provide child health surveillance services shall cease forthwith to be effective if—

- (a) either—
  - (i) the parent informs the doctor; or
  - (ii) the doctor informs the parent, that he wishes the undertaking to have no further effect;
- (b) the child has been removed from the doctor’s list or from that of his partner or from that of a doctor with whom he is associated in a group practice, as the case may be, and has not been transferred to any other of those lists;
- (c) the parent—
  - (i) has been invited to arrange for the child to attend for an examination referred to in paragraph 1(b) of Schedule 4; and
  - (ii) fails within 42 days to respond to that invitation; or
- (d) any examination referred to in paragraph 1(b) of that Schedule is undertaken in respect of the child otherwise than by the doctor or a person acting on his behalf.

(5) Where, in accordance with paragraph (4), an undertaking has ceased to be effective, the doctor shall forthwith—

- (a) in a case to which sub-paragraph (a), (c) or (d) of that paragraph applies, so inform the Board in writing; and
- (b) in a case to which sub-paragraph (c) or (d) of that paragraph applies, also so inform the parent in writing.

### **Obtaining contraceptive services**

**28.**—(1) Whether or not she is included in his list for the provision of other personal medical services, a woman may apply to a doctor who has undertaken to provide contraceptive services to be accepted by him for the provision of those services.

(2) An application under paragraph (1) shall be for the provision of contraceptive services for a term of 12 months from the date of acceptance, but either the woman or the doctor may terminate the provision at any time during that period.

(3) On any such termination or at the end of the period of 12 months, as the case may be, the woman may apply (or re-apply) to a doctor in accordance with paragraph (1).

(4) A woman 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.

(5) Where a woman to whom paragraph (4) applies has been accepted by a doctor for the provision of contraceptive services, regulation 25(4) shall apply to her in relation to her inclusion in the list of patients in the area of her former residence for the provision of those services.

### **Obstetric Committee**

**29.**—(1) The Department shall appoint, in accordance with Schedule 6, a committee to be known as the Obstetric Committee.

(2) The Obstetric Committee shall, having regard to any general criteria drawn up for its guidance by the Department in consultation with such organisations as the Department may recognise as representing the medical profession, determine the conditions which are necessary for the inclusion and for the continued inclusion of a doctor's name in the obstetric list as defined in accordance with regulation 31 or 32 and shall send copies of such conditions to each Board.

(3) Copies of the conditions referred to in paragraph (2) shall be available for inspection at the offices of each Board, the office of the Agency and at such other places as appear to a Board to be convenient for informing all persons interested.

(4) It shall be the duty of the Obstetric Committee to examine and determine all applications and cases referred to it by a Board under regulation 31(3) and regulation 32(2).

### **Obstetric list**

**30.**—(1) Each Board shall prepare a list, to be called "the obstetric list", of the doctors in its area who, having made an application under regulation 31, are accepted for inclusion of their names in the list.

(2) The obstetric list shall contain in addition to the name of the doctor—

- (a) the address of any surgery and any other place at which he provides maternity medical services and any telephone number at which he is prepared to receive messages;
- (b) particulars of the days and hours at which he undertakes to be in attendance at each place or a statement to the effect that consultation will be by appointment;
- (c) the name of any doctor, whose name is also included in the obstetric list, with whom he is in partnership or who is acting as his assistant;
- (d) where he is acting as an assistant, the name and address of the principal by whom he is employed; and
- (e) if the Board thinks fit, details of the area in which the doctor undertakes to provide treatment.

(3) A doctor whose name is included in the obstetric list shall, within 14 days, notify the Board of any change or addition affecting the entries which the obstetric list is required to contain in relation to him.

#### **Admission to the obstetric list**

**31.**—(1) Any doctor who wishes to have his name included in the obstetric list shall apply, (on a form approved by the Department and available from the Board) to the Board for the area in which his main practice premises are situated.

(2) The Board shall examine each application submitted in accordance with paragraph (1) and, if satisfied that the application complies with the conditions determined by the Obstetric Committee in accordance with regulation 29(2), shall include that doctor's name in the obstetric list and notify him accordingly.

(3) Where the Board is not satisfied that an application complies with the conditions determined by the Obstetric Committee in accordance with regulation 29(2) it shall refer the application to that Committee which shall examine the application, decide whether or not it should be granted and the restrictions, if any, subject to which it should be granted.

(4) The Obstetric Committee shall inform the Board of its decision on any application referred to it in accordance with paragraph (3) and the Board shall comply with the decision and notify the doctor accordingly.

(5) The decision of the Obstetric Committee on any application referred to it in accordance with paragraph (3) shall be final.

#### **Review of the obstetric list**

**32.**—(1) At intervals of one year or such other period as the Department may determine, each Board shall examine the obstetric list in relation to its area and in every case in which it is satisfied that the conditions determined by the Obstetric Committee are complied with, shall notify each doctor concerned that his name has been retained on the obstetric list.

(2) Where a Board, on examination of the obstetric list in relation to its area in accordance with paragraph (1), is not satisfied that the conditions determined by the Obstetric Committee in accordance with regulation 29(2) are complied with in the case of a doctor, the Board shall notify the doctor accordingly. If the doctor wishes his name to remain on the list, he shall request the Board to refer the matter to the Obstetric Committee and may, at the same time, make written representations to that Committee which shall decide whether or not his name should be retained on the obstetric list and inform the Board accordingly.

(3) The Board shall comply with the decision of the Obstetric Committee under paragraph (2) and shall notify the doctor and the Agency accordingly.

(4) In any case referred to it under paragraph (2), the decision of the Obstetric Committee as to whether or not the name of a doctor should be retained on the obstetric list shall be final.

#### **Removal from the obstetric list**

**33.**—(1) A doctor's name shall be removed from the obstetric list only if—

- (a) it has been removed from the medical list pursuant to regulation 6; or
- (b) the Board is satisfied that he has never provided, or has ceased to provide, maternity medical services; or
- (c) the Obstetric Committee has decided under regulation 32(2) that his name should not be retained on that list.

(2) On the removal of a doctor's name from the obstetric list, the Agency shall give each woman for whom he has undertaken to provide maternity medical services notice of her right to apply to another doctor for the provision of such services in accordance with regulation 34.

### **Obtaining maternity medical services**

**34.**—(1) Maternity medical services shall comprise—

- (a) the provision of personal medical services to a woman during the ante-natal period;
- (b) the provision of personal medical services to a woman during labour;
- (c) the provision of personal medical services to a woman and to her baby, as specified in paragraph 3(b) of Schedule 5, during the post-natal period; and
- (d) the provision of a full post-natal examination.

(2) A woman who holds a current medical card and who, after a doctor has diagnosed that she is pregnant, requires the provision of maternity medical services, may apply for the provision of any or all of the services mentioned in paragraph (1) to any doctor whose name is included in the obstetric list and an application under this paragraph shall be made in writing on a form provided by the Agency and issued by the doctor.

(3) A woman who has already been accepted as a patient by a doctor to whom she has applied in accordance with paragraph (2) but who is residing temporarily outside his practice area, may apply to any doctor whose name is included in the obstetric list in the area in which she is temporarily resident for the provision of such services as she may require during her period of temporary residence.

(4) A doctor with whom a woman has made an arrangement under paragraph (2) or (3) for the provision of any or all of the services mentioned in paragraph (1) shall provide such services as are specified in Schedule 5.

(5) The provisions of regulation 19 shall apply to the making of an arrangement by a woman with a doctor for the provision of any or all of the services mentioned in paragraph (1) as they apply to the making of an application for inclusion in a doctor's list.

(6) An arrangement between a woman and a doctor for the provision of any or all of the services mentioned in paragraph (1) shall be terminated—

- (a) by the woman—
  - (i) so notifying the Board in writing;
  - (ii) so notifying the doctor in writing who shall notify the Board in writing; or
  - (iii) making a new arrangement with another doctor who shall notify the Board in writing within 7 days of the making of the new arrangement;
- (b) by the doctor making an application under paragraph 12 of the terms of service; or
- (c) where the woman is a temporary resident, when—
  - (i) she ceases to be resident in the doctor's practice area; or
  - (ii) the doctor's responsibility for her is terminated under paragraph 11 of the terms of service,whichever first occurs.

(7) Where the Board receives notification in accordance with paragraph (6)(a)(i) or (iii), it shall within 7 days notify the original doctor in writing that the woman's arrangement with him has been terminated.

### Minor surgery list

35.—(1) Each Board shall maintain a list (in these regulations referred to as “the minor surgery list”) of the names of those doctors in its area who have satisfied it or, on appeal, the Department, in accordance with the following provisions of this regulation, that they have such medical experience, training and facilities as are necessary to enable them properly to provide all of the procedures listed in Schedule 7.

(2) A doctor may apply, in accordance with paragraph (3), to the Board for the area in which his main practice premises are situated for the inclusion of his name in the minor surgery list.

(3) An application for the purpose of paragraph (2) shall be made in writing and shall include the information specified in Part VIII of Schedule 3.

(4) Unless the doctor otherwise agrees, the Board shall determine an application made in accordance with paragraph (3) within 2 months of receiving it.

(5) The Board may hold an oral hearing of any application and shall not refuse an application without giving the doctor an opportunity of an oral hearing.

(6) Where the Board decides to hold an oral hearing, it shall, not less than 14 days before the date fixed for the hearing, give notice in writing to the doctor.

(7) When determining an application, the Board shall have regard—

(a) for the purpose of assessing the doctor’s medical experience, to—

(i) any postgraduate qualification held by him relevant to the provision of minor surgery services;

(ii) the criteria listed in paragraph 1 of Part IX of Schedule 3;

(b) for the purpose of assessing the doctor’s facilities, to the checklist in paragraph 3 of Part IX of Schedule 3 regarding the premises and the equipment to be used by the doctor in the provision of minor surgery services,

and shall seek and take into account any medical advice it considers necessary to enable it to determine the application.

(8) The Board shall determine an application by either—

(a) granting the application; or

(b) refusing the application.

(9) The Board shall inform the doctor in writing of its determination and shall—

(a) where it grants the application in accordance with paragraph (8)(a), include the doctor’s name in the minor surgery list; or

(b) where it refuses the application in accordance with paragraph (8)(b), give notice in writing to him of the reasons for the determination and of his right of appeal under paragraph (10).

(10) If an application is refused in accordance with paragraph (8)(b), the doctor may appeal in writing to the Department within 30 days of receiving notice in writing of the Board’s determination.

(11) On any appeal pursuant to paragraph (10) or (15), the Department—

(a) may hold an oral hearing of the appeal and shall, not less than 14 days before the date fixed for the hearing, give notice in writing to the appellant and the Board;

(b) in determining the appeal, shall either confirm or reverse the determination of the Board and shall communicate its decision in writing, together with the reasons for it, to the appellant and the Board; and

(c) where it reverses the determination of the Board, shall direct that the Board include the doctor’s name in the minor surgery list.

(12) Subject to paragraphs (13) to (17), a doctor's name may be removed from the minor surgery list if—

- (a) it has been removed from the medical list pursuant to regulation 6;
- (b) the Board has determined that the doctor has not provided minor surgery services at any time during the past 5 years; or
- (c) the Board has determined that the doctor has not complied with the criteria listed in paragraph 2 of Part IX of Schedule 3 for continued inclusion of his name in the minor surgery list.

(13) Before making any determination under sub-paragraph (b) or (c) of paragraph (12), the Board shall—

- (a) give the doctor 30 days' written notice of its intention to do so; and
- (b) afford the doctor an opportunity of making representations in writing or, if he so desires, orally to the Board.

(14) Where the Board makes a determination under sub-paragraph (b) or (c) of paragraph (12), it shall send to the doctor a notice which shall include a statement—

- (a) to the effect that, subject to any appeal under paragraph (15), the doctor's name will, after 30 days from the date of the notice, be removed from the minor surgery list;
- (b) of the Board's reasons for its determination; and
- (c) of the doctor's right of appeal under paragraph (15).

(15) A doctor who has received a notice sent in accordance with paragraph (14) may, within 21 days of receiving it, appeal to the Department against the determination and, pending the determination of the appeal, the Board shall not remove his name from the minor surgery list.

(16) An appeal to the Department under paragraph (15) shall be made in writing and shall include a statement of the grounds of appeal and on any such appeal the Department shall, if it allows the appeal, direct that the Board shall not remove the doctor's name from the minor surgery list.

(17) The Board shall comply with any direction given to it under this regulation.

(18) Where the Department holds an oral hearing of an appeal pursuant to paragraph (11)(a), the appellant and the Board may be represented by counsel, solicitor or any other person.

### **Obtaining minor surgery services**

**36.—**(1) A person may apply, either in writing or in person, to a doctor—

- (a) who is—
  - (i) the doctor in whose list he is included (in this paragraph referred to as "his own doctor");
  - (ii) a doctor with whom his own doctor is in partnership; or
  - (iii) a doctor with whom his own doctor is associated in a group practice; and
- (b) whose name is included in the medical list and the minor surgery list,

for the provision of a procedure specified in Schedule 7 and the provisions of regulation 19 shall apply to that application as if the reference in regulation 19 to an application to a doctor for inclusion in his list were a reference to an application to a doctor for minor surgery services.

(2) A doctor whose name is included in the medical list and the minor surgery list may, in respect of any person on his list or on the list of a doctor with whom he is in partnership or with whom he is associated in group practice, undertake to provide minor surgery services.



(3) A doctor who has undertaken, pursuant to paragraph (2), to provide minor surgery services in respect of any patient shall offer to provide any of the procedures described in Schedule 7 which it is, in his opinion, appropriate for him to provide in the case of that patient.

(4) Where a doctor provides minor surgery services in respect of a patient who is not included on his list, he shall inform in writing the doctor on whose list the patient is included of the outcome of the procedure.

(5) Nothing in this regulation shall prevent any doctor personally performing, in the course of providing general medical services (otherwise than by minor surgery services) to a patient, a procedure described in Schedule 7.