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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 100**

**HEALTH AND PERSONAL SOCIAL SERVICES  
SOCIAL SECURITY  
STATUTORY SICK PAY  
CHILDREN**

The Health Services (Pilot Schemes:  
Miscellaneous Provisions and Consequential  
Amendments) Regulations (Northern Ireland) 1999

*Made* - - - -

*8th March 1999*

*Coming into operation*

*1st April 1999*

The Department of Health and Social Services, in exercise of the powers conferred on it by the provisions set out in the Schedule to these Regulations, and of all other powers enabling it in that behalf, and with the approval of the Department of Finance and Personnel<sup>(1)</sup> in so far as the Regulations relate to Schedule 15 to the Health and Personal Social Services (Northern Ireland) Order 1972<sup>(2)</sup>, and in conjunction with the Department of Finance and Personnel in so far as the Regulations relate to Article 61 of that Order, and after consultation in accordance with Articles 56(5), 61(4), 62(3) and 63(3) of the Health and Personal Social Services (Northern Ireland) Order 1972 with such organisations as appear to the Department of Health and Social Services to be representative of the medical, dental, ophthalmic and pharmaceutical professions, hereby makes the following Regulations:

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<sup>(1)</sup> Formerly Department of Finance: see S.I.1982/338 (N.I. 6), Article 3

<sup>(2)</sup> S.I. 1972/1265 (N.I. 14); the relevant amendments are S.I. 1984/1158 (N.I. 8), S.I. 1986/2229 (N.I. 24), S.I. 1988/594 (N.I. 2), S.I. 1988/2249 (N.I. 24), S.I. 1991/194 (N.I. 1) and S.I. 1997/1177 (N.I. 7)

## PART I GENERAL

### Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Health Services (Pilot Schemes: Miscellaneous Provisions and Consequential Amendments) Regulations (Northern Ireland) 1999 and shall come into operation on 1st April 1999.

(2) In Part II of these Regulations—

“the 1997 Order” means the Health Services (Primary Care) (Northern Ireland) Order 1997;

“the 1997 Regulations” means the General Medical Services Regulations (Northern Ireland) 1997(3).

## PART II MISCELLANEOUS PROVISIONS

### Pilot patients for whom boards must make arrangements for the provision of general medical services

2.—(1) Persons who are, under a pilot scheme, being provided with—

(a) personal medical services which are limited to contraceptive services or maternity medical services, or both of them(4); or

(b) personal medical services as temporary residents(5) at a time when their names are included in the list of patients held by a doctor who provides general medical services in the area of a board which is a party to the pilot scheme,

are persons for whom, for the purpose of Article 3(5)(a) of the 1997 Order, a board must make arrangements under Article 56 of the Health and Personal Social Services (Northern Ireland) Order 1972 for the provision of general medical services.

(2) In this regulation—

(a) “contraceptive services” means the services described in regulation 3(1)(c) of the 1997 Regulations;

(b) “maternity medical services” has the meaning assigned to it in regulation 2 of the 1997 Regulations; and

(c) “temporary resident” has the meaning assigned to it in the Health Services (Choice of Medical Practitioner) Regulations (Northern Ireland) 1998(6).

### Persons who may perform personal medical services

3. Persons—

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(3) S.R. 1997 No. 380; as amended by S.R. 1998 No. 9

(4) As to the provision of these services to a person who is not provided with other personal medical services under a pilot scheme, see the directions to Health and Social Services Boards concerning the implementation of pilot schemes (personal medical services), given by the Department of Health and Social Services on 19th November 1998

(5) As to the treatment of temporary residents, see regulation 6 of the Health Services (Choice of Medical Practitioner) Regulations (Northern Ireland) 1998 (S.R. 1998 No. 412), and paragraph 12 of the directions to Health and Social Services Boards concerning the implementation of pilot schemes (personal medical services) given by the Department of Health and Social Services on 19th November 1998

(6) S.R. 1998 No. 412

- (a) who, whilst not falling within Article 12(2)(a) of the 1997 Order (persons acting in the course of acquiring prescribed experience), are nonetheless acting in the course of acquiring the whole or any part of the general practice experience prescribed by regulation 6 of the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998(7) (“the Vocational Training Regulations”); and
- (b) who have been issued with a certificate of equivalent experience under regulation 12 of the Vocational Training Regulations,

are prescribed for the purpose of Article 12(2)(c) of the 1997 Order (persons who are not otherwise mentioned in Article 11 of that Order who may perform personal medical services).

## PART III

### CONSEQUENTIAL AMENDMENTS

#### **Amendment of the General Medical Services Regulations (Northern Ireland) 1997**

4.—(1) The General Medical Services Regulations (Northern Ireland) 1997(8), shall be amended in accordance with the following provisions of this Part of these Regulations.

(2) In regulation 2 (interpretation)—

(a) at the appropriate place in alphabetical order, insert—

““the 1997 Order” means the Health Services (Primary Care) (Northern Ireland) Order 1997;”;

““the Choice of Medical Practitioner Regulations” means the Health Services (Choice of Medical Practitioner) Regulations (Northern Ireland) 1998;”;

““personal medical services” has the meaning assigned to it in Article 3(7) of the 1997 Order;”;

““pilot doctor” means a doctor who performs personal medical services in connection with a pilot scheme;”;

““pilot scheme” has the meaning assigned to it in Article 3(1) of the 1997 Order;”;

““pilot scheme agreement” means an agreement which constitutes, or is one of the agreements which together constitute, a pilot scheme;”;

““pilot scheme provider” means a person who provides personal medical services in connection with a pilot scheme;”;

““pooled list” means a single list of the patients of two or more pilot doctors which is held in connection with a pilot scheme;”

““primary medical services” means the services described in Article 15E(5) of the Order(9);”;

(b) in the definition of “medical card” for “general medical services” substitute “primary medical services”; and

(c) in the definition of “temporary resident”, for “regulation 25” substitute “regulation 6 of the Choice of Medical Practitioner Regulations”.

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(7) S.R. 1998 No. 13

(8) S.R. 1997 No. 380; as amended by S.R. 1998 No. 9

(9) Article 15E of the Health and Personal Social Services (Northern Ireland) Order 1972 was inserted by Article 23 of the Health Services (Primary Care) (Northern Ireland) Order 1997

(3) In regulation 4 (medical list), in paragraph (1)(a), after “the Order” insert “or Schedule 1 to the 1997 Order”.

(4) After regulation 5, insert the following regulation—

**“Preferential right to be included in medical list**

**5A.**—(1) An application by a doctor (“the applicant”) for inclusion of his name in a medical list by virtue of Schedule 1 to the 1997 Order shall be made by sending to the Board an application in writing, which—

- (a) shall make clear that the application is made by virtue of that Schedule; and
- (b) shall include the information and undertakings specified in paragraphs 1 to 5, 9, 10 and 12 of Part IIA, and Part IIC, of Schedule 3, and in such other paragraphs of that Schedule as are relevant in the applicant’s case.

(2) Upon granting such an application, the Board shall (subject to paragraph (3)), specify that the applicant’s entry in the medical list is subject to one of the conditions which could have been specified by the Board under regulation 13(1) if the application had been one to which that provision relates.

(3) Where the applicant was subject to one of the conditions set out in sub-paragraphs (a) to (c) of regulation 13(1) when his name was last included in a medical list, the Board may not under paragraph (2) specify (among those three conditions)—

- (a) one which is more restrictive than the one which applied to him when his name was last so included; or
- (b) one which is less restrictive, unless in the Board’s opinion there are exceptional reasons for doing so, and the Board has consulted the Local Medical Committee.

(4) The Board shall notify the Medical Committee of any successful application under paragraph (1) and of any conditions imposed under paragraph (2).”.

(5) In regulation 8 (filling or dispersal of medical practice vacancies), in paragraph (3), at the beginning insert “Subject to regulation 12A,”.

(6) In regulation 9(2) (application to fill a vacancy), after “subject” insert “to regulation 12A and”.

(7) In regulation 12 (Board’s decision on applications and inclusion in the medical list), in paragraph (1), after “the Board shall” insert “(subject to regulation 12A)”.

(8) After regulation 12, insert the following regulation—

**“Practice vacancies where patients are subject to pilot scheme proposals**

**12A.**—(1) Paragraph (2) applies where—

- (a) a practice has been declared vacant, or a vacancy has arisen, as mentioned in regulation 8;
- (b) the Board receives, or has received, a request under Article 6 of the 1997 Order to prepare proposals for a pilot scheme and is under a duty to comply with that request, or has done so;
- (c) in the Board’s opinion those proposals relate, or would relate, to more than half of the patients whom it expects to be on the list of any doctor who would fill the vacancy or succeed to the practice; and
- (d) in a case to which regulation 9(2) applies—
  - (i) the panel has not yet made a recommendation, or

- (ii) the panel has made a recommendation, but the Agency has not yet forwarded the name of the recommended applicant to the Board.
- (2) In a case referred to in paragraph (1),—
  - (a) without prejudice to any steps that may already have been taken, a Board shall not grant the application of any applicant pursuant to regulation 12(1); and
  - (b) the panel shall not begin to consider, or shall not further consider, any application received by them, until such time as one of the events set out in paragraph (3) has occurred.
- (3) The events referred to in paragraph (2) are that—
  - (a) the proposals referred to in paragraph (1)(b) are rejected by the Department pursuant to Article 7(1)(c) of the 1997 Order; or
  - (b) the proposals are withdrawn before the Department has made its decision under Article 7 of the 1997 Order; or
  - (c) a pilot scheme implemented as a result of the proposals comes to an end, whether pursuant to a direction of the Department given under Article 10(4) of the 1997 Order, or otherwise.
- (4) The Board shall forthwith inform the Agency—
  - (a) if paragraph (1)(a) to (c) applies;
  - (b) if the Department approves the proposals in question (whether with or without modification); and
  - (c) where one of the events referred to in paragraph (3) occurs, of that fact.”.
- (9) In regulation 18 (doctors' lists)—
  - (a) in paragraph (1), for “this Part” substitute “the Choice of Medical Practitioner Regulations”
  - (b) in paragraph (3), for “regulation 21(7)” substitute “regulation 3(3) of the Choice of Medical Practitioner Regulations”;
  - (c) for paragraph (6), substitute—
    - “(6) Any removal of a person from a doctor’s list caused by the transfer of a person to the list of another doctor or to a pooled list, other than a transfer under regulation 3(3) of the Choice of Medical Practitioner Regulations, shall take effect—
      - (a) from the date on which the Agency receives notification of the acceptance of the person by the last-named doctor or, in the case of a transfer to a pooled list, the pilot scheme provider; 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 or, as the case may be, between the doctor and the pilot scheme provider.”; and
  - (d) in paragraph (8), for sub-paragraph (b), substitute—
    - “(b) on receipt of the notification mentioned in sub-paragraph (1) of that paragraph, the Agency shall acknowledge it in writing and give written notice of the removal to the person concerned.”.
- (10) Regulations 19 (application for services) and 20 (assignment of persons to doctors) are omitted.
- (11) In regulation 21 (change of doctor)—
  - (a) paragraphs (1) to (3) and (5) to (8) are omitted; and

(b) in paragraph (4), at the end, insert “, or to a pooled list”.

(12) In regulation 24 (temporary provision of services), in paragraph (2), after “ceases to be included in the medical list”, insert “(otherwise than in accordance with Article 13(2) of the 1997 Order, to enable him to perform personal medical services in connection with a pilot scheme to which the Board in whose list he was included is a party)”.

(13) For regulation 25 (temporary residents), substitute—

**“Temporary residents**

**25.—**(1) A person who is accepted as a temporary resident by a doctor under regulation 6 of the Choice of Medical Practitioner Regulations or by a pilot scheme provider under a pilot scheme agreement shall not be removed from the list of any doctor providing general medical services in which his name is included, unless the Agency is satisfied, after due enquiry—

- (a) that the person’s stay in the place of temporary residence has exceeded three months; and
- (b) that he has not returned to his normal place of residence, or any other place within the practice area of the doctor in whose list his name is included.

(2) If the Agency is satisfied as mentioned in paragraph (1), it shall remove the name of the person from the list of the doctor in which it is included and, if practicable, inform the person of that fact and of his entitlement to seek acceptance by any doctor, including the doctor by whom he has been treated as a temporary resident, in the area in which he is living.”.

(14) In regulation 26(12)(a) (child health surveillance list) for “regulation 5(3) or regulation 6”, substitute, “regulation 5(3), regulation 6, or Article 13(2) of the 1997 Order”.

(15) In regulation 28 (obtaining contraceptive services), in paragraph (5), for the words from “ regulation 25(4)” to the end, substitute “regulation 25 shall apply to terminate the provision of contraceptive services by any other doctor under paragraph (1), as if those services were general medical services provided to a person included in the list of that other doctor”.

(16) In regulation 33(1)(a) (removal from the obstetric list), for “regulation 6” substitute “regulation 5(3), regulation 6 or Article 13(2) of the 1997 Order”.

(17) In regulation 34 (obtaining maternity medical services), in paragraph (5), for “regulation 19” substitute “regulation 2 of the Choice of Medical Practitioner Regulations”.

(18) In regulation 35(12)(a) (minor surgery list), for “regulation 6” substitute “regulation 5(3), regulation 6, or Article 13(2) of the 1997 Order”.

(19) In regulation 36 (obtaining minor surgery services), in paragraph (1), for “regulation 19”, in each place where those words occur, substitute “regulation 2(3) of the Choice of Medical Practitioner Regulations”.

(20) Schedule 2 (terms of service for doctors) is amended in accordance with the following provisions of this paragraph—

- (a) in paragraph 3 (a doctor’s patients)—
  - (i) in sub-paragraph (1)—
    - (aa) in head (d), for “regulation 20”, substitute “regulation 4 of the Choice of Medical Practitioner Regulations”,
    - (bb) in head (e), for “regulation 20(3)(b)”, substitute “regulation 4(4) of the Choice of Medical Practitioner Regulations”, and
    - (cc) in head (h), at the end add “(or if, in the case of a pilot doctor, more than one such doctor is under an obligation to give treatment, no such doctor

- practising from the premises to which the request was made is able to attend and give treatment)”;
- (ii) in sub-paragraph (4)(b), for “regulation 25” substitute “ regulation 6 of the Choice of Medical Practitioner Regulations (temporary residents)”;
  - (iii) in sub-paragraph (5)(b), after “obstetric list” insert “or is a pilot doctor who is named in a pilot scheme agreement as responsible for the performance of maternity medical services”;
  - (iv) in sub-paragraph (6), for “regulation 20(3)(b)”, in each place where those words occur, substitute “regulation 4(4) of the Choice of Medical Practitioner Regulations”; and
  - (v) in sub-paragraph (7)(a), omit head (ii) and substitute—
    - “(ii) personal medical services (other than maternity medical services); or
    - (iii) in the case of a doctor whose name is included in the obstetric list, maternity medical services; or
    - (iv) in the case of a pilot doctor who is named in a pilot scheme agreement as responsible for the performance of maternity medical services, those services; or”;
- (b) in paragraph 4 (relief from liability to give emergency treatment), for “regulation 20(5)” substitute “regulation 4(8) of the Choice of Medical Practitioner Regulations”;
- (c) in paragraph 5(2) (acceptance of patients)—
- (i) after “medical list”, insert “(otherwise than in accordance with Article 13(2) of the 1997 Order, to enable him to perform personal medical services in connection with a pilot scheme to which the Board in whose list he was included is a party)”;
  - (ii) for “regulation 21”, substitute “regulation 3 of the Choice of Medical Practitioner Regulations”;
- (d) in paragraph 6 (acceptance of patients), in sub-paragraph (b), for “regulation 25(1)”, substitute “regulation 6(1) of the Choice of Medical Practitioner Regulations”;
- (e) in paragraph 9 (termination of responsibility for patients), in each of paragraphs (1)(a) and (2)(b), after “another doctor”, insert “, or is accepted for inclusion in a pooled list”;
- (f) in each of—
- (i) paragraph 14(5)(a) (provision of services to patients during and outside normal hours);
  - (ii) paragraph 16(1) (newly registered patients); and
  - (iii) paragraph 18(4) (patients aged 75 years and over),
- for “regulation 20”, substitute “regulation 4 of the Choice of Medical Practitioner Regulations”;
- (g) in paragraph 20 (out of hours arrangements), at the end of sub-paragraph (2), insert “, but that arrangement shall terminate if the doctor with whom it is made ceases to be included in a medical list in accordance with Article 13(2) of the 1997 Order to enable him to perform personal medical services under a pilot scheme”;
- (h) in paragraph 23 (obligation to give treatment personally)—
- (i) in sub-paragraph (3), after “in the obstetric list” in the second place where those words appear, insert “or is a pilot doctor who is named in a pilot scheme agreement as responsible for the performance of maternity medical services under the pilot scheme”;

- (ii) in sub-paragraph (5)(a), after “child health surveillance list”, insert “or is a pilot doctor who is named in a pilot scheme agreement as responsible for the performance of child health surveillance services under the pilot scheme”; and
  - (iii) in sub-paragraph (6)(a), after “minor surgery list”, insert “or is a pilot doctor who is named in a pilot scheme agreement as responsible for the performance of minor surgery services under the pilot scheme”;
  - (i) in paragraph 24 (responsibility for acts and omissions of deputies)—
    - (i) in sub-paragraph (1), for “sub-paragraph (2) or (3)” substitute “sub-paragraph 2, or for which the doctor is not responsible, under sub-paragraph (3)”; and
    - (ii) after sub-paragraph (3), insert—
 

“(4) Where, in connection with arrangements under a pilot scheme whereby, outside normal hours, pilot doctors and doctors providing general medical services co-operate in such a way that one doctor will cover for another to secure the performance of personal medical services or, as the case may be, the provision of general medical services for their patients, a pilot doctor acts as a deputy to a doctor whose name is included in the medical list, that doctor is not responsible for the acts or omissions of the pilot doctor.”;
  - (j) in paragraph 26 (organisations providing deputy doctors)—
    - (i) for sub-paragraph (1)(a), substitute—
 

“(a) consists only of—

      - (i) doctors whose names are included in the list of a Board and who arrange to act as deputies to each other, or
      - (ii) pilot doctors and doctors whose names are included in the list of a Board who co-operate in such a way that one doctor will cover for another to secure the performance of personal medical services or, as the case may be, the provision of general medical services for their patients; and”;
    - (ii) for sub-paragraph (2)(a), after paragraph (iii), insert—
 

“(iv) will not be subject to a declaration under paragraph 4 of Schedule 1 to the 1997 Order that he is not fit to be engaged in any capacity in the provision of general medical services; and”;
  - (k) in paragraph 27 (employment of assistants and deputies), at the end of sub-paragraph (c), insert—
 

“; or

    - (d) who is subject to a declaration under paragraph 4 of Schedule 1 to the 1997 Order that he is not fit to be engaged in any capacity in the provision of general medical services”; and
  - (l) in paragraph 31 (issue of documents), after “the medical list”, insert “, or a pilot doctor acting as a deputy to a doctor whose name is included in the medical list in connection with arrangements under a pilot scheme whereby, outside normal hours, pilot doctors and doctors providing general medical services co-operate in such a way that one doctor will cover for another to secure the performance of personal medical services or, as the case may be, the provision of general medical services for their patients”.
- (21) In Schedule 5 (maternity medical services), in paragraph 3(b), for “regulation 19(2)”, substitute “regulation 2(3) of the Choice of Medical Practitioner Regulations”.

## **Amendment of the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993**

5.—(1) The Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993<sup>(10)</sup> shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation), at the appropriate place in alphabetical order, insert—

““the 1997 Order” means the Health Services (Primary Care) (Northern Ireland) Order 1997;”;

““personal dental services” has the meaning assigned to it in Article 3(7) of the 1997 Order;”;

““pilot dentist” means a dentist who performs personal dental services in connection with a pilot scheme;”;

““pilot scheme” has the meaning assigned to it in Article 3(1) of the 1997 Order;”;

““pilot scheme agreement” means an agreement which constitutes, or is one of the agreements which together constitute, a pilot scheme;”.

(3) In regulation 5A (applications for vocational training numbers)<sup>(11)</sup>, in paragraph (4)(d), after “Crown” insert “, or has performed personal dental services in connection with a pilot scheme;”.

(4) In regulation 8 (removal from a dental list), in paragraph (5)—

(a) omit “or” at the end of sub-paragraph (c)<sup>(12)</sup>; and

(b) at the end of sub-paragraph (d), after “sickness”, add—

“; or

(e) the dentist was performing personal dental services in connection with a pilot scheme”.

(5) In regulation 20 (approval of payments), after paragraph (7) add—

“(8) Where the Agency has made a payment to a pilot scheme provider for providing personal dental services to a patient, it shall not make any payment under these Regulations in relation to the same patient to the same pilot scheme provider, or to any dentist performing personal dental services in connection with that pilot scheme, unless the patient has been referred under these Regulations for treatment by way of personal dental services under that pilot scheme.”.

(6) In Schedule 2 (terms of service for dentists)—

(a) in paragraph 7 (repair or replacement of restorations), in sub-paragraph (1), after “transferred,” insert “has provided by way of personal dental services in connection with a pilot scheme or”;

(b) in paragraph 11—

(i) in sub-paragraph (1), for “sub-paragraph (4)” substitute “sub-paragraphs (4) and (7)”,

(ii) in sub-paragraph (4), for “Subject to paragraph 11A” substitute “Subject to sub-paragraph (7) and paragraph 11A”, and

(iii) after sub-paragraph (6), insert—

“(7) Where—

(a) under Article 7 of the 1997 Order the Department has approved a proposal for a pilot scheme under which personal dental services are to be provided, or such a proposal has been subsequently varied with the agreement of the

<sup>(10)</sup> S.R. 1993 No. 326; as amended by S.R. 1993 No. 401, S.R. 1995 No. 488, S.Rs. 1996 Nos. 114 and 382 and S.R. 1998 No. 245

<sup>(11)</sup> Regulation 5A was inserted by S.R. 1993 No. 401; a new paragraph (4)(d) was substituted by S.R. 1998 No. 245

<sup>(12)</sup> The word “or”, and sub-paragraph (d), were added by S.R. 1995 No. 488

Department or, as the case may be, in a manner authorised by directions given by the Department under Article 8 of the 1997 Order<sup>(13)</sup>; and

- (b) under the proposal (or the varied proposal) a dentist named in it as a performer of personal dental services would treat a patient under the pilot scheme and not under a continuing care arrangement or a capitation arrangement,

the dentist shall give to him such notice of the termination of the arrangement as is required under the pilot scheme.”;

- (c) in each of paragraph 12 (referral to another dentist or to a hospital or other service) and paragraph 18 (referral for occasional treatment), in sub-paragraph (1), after “general dental services” insert “or personal dental services”; and
- (d) in paragraph 14 (inability of dentist to complete care and treatment), after “control,” insert “or to his taking up the performance of personal dental services in connection with a pilot scheme”.

#### **Amendment of the Charges for Drugs and Appliances Regulations (Northern Ireland) 1997**

6.—(1) The Charges for Drugs and Appliances Regulations (Northern Ireland) 1997<sup>(14)</sup> shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1) of regulation 2 (interpretation)—

- (a) after the definition of “the Order”, insert the following definition—

““the 1997 Order” means the Health Services (Primary Care) (Northern Ireland) Order 1997.”;

- (b) in paragraph (a) of the definition of “patient”, after “terms of service”, insert “or in connection with a pilot scheme under the 1997 Order”;

- (c) in the definition of “prescription form”, at the end of sub-paragraph (b), add—

“or

- (c) a doctor performing personal medical services or a dentist performing personal dental services in connection with a pilot scheme under the 1997 Order.”.

(2) In regulation 2(2), in each of sub-paragraphs (a)(iii) and (b)(ii), after “medical list”, insert “or who is performing personal medical services in connection with a pilot scheme under the 1997 Order”.

(3) In regulation 4(4), delete “, notwithstanding the provisions of his terms of service.”.

#### **Amendment of the Pharmaceutical Services Regulations (Northern Ireland) 1997**

7. In the Pharmaceutical Services Regulations (Northern Ireland) 1997<sup>(15)</sup>, after regulation 2(1) (interpretation), insert—

“(1A) In these Regulations, the expression “pharmaceutical services” includes the provision to persons who are in a Board’s area of listed drugs and medicines which are ordered for those persons by a medical or dental practitioner in pursuance by him of the performance of personal medical or personal dental services within the meaning of Article 3(7) of the Health Services (Primary Care) (Northern Ireland) Order 1997.”.

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<sup>(13)</sup> See the directions to Health and Social Services Boards concerning variations to pilot schemes (personal dental services), given by the Department of Health and Social Services on 21st August 1998

<sup>(14)</sup> S.R. 1997 No. 382; as amended by S.R. 1998 No. 135

<sup>(15)</sup> S.R. 1997 No. 381; as amended by S.R. 1997 No. 547 and S.R. 1998 No. 95

### **Amendment of the General Ophthalmic Services Regulations (Northern Ireland) 1986**

**8.** In the General Ophthalmic Services Regulations (Northern Ireland) 1986(16), in paragraph 8C of Schedule 1 (complaints against ophthalmic medical practitioners)(17), after sub-paragraph (1) insert—

“(2) Where a contractor, being an ophthalmic medical practitioner, also performs personal medical services in connection with a pilot scheme under the Health Services (Primary Care) (Northern Ireland) Order 1997 (“the 1997 Order”) for any person to whom he provides general ophthalmic services, the complaints procedure established and operated in accordance with directions given under Article 8(1) of the 1997 Order as to complaints procedures for pilot schemes(18) shall apply in relation to any matter reasonably connected with his provision of general ophthalmic services to that person, as it applies as respects his performance of personal medical services under the pilot scheme.

(3) Accordingly, any requirement imposed by virtue of such directions on a person providing personal medical services under such a pilot scheme as to co-operation with any investigation of a complaint by the Board also applies in relation to complaints about such matters.”.

### **Amendment of the Social Security (Medical Evidence) Regulations (Northern Ireland) 1976**

**9.** In the Social Security (Medical Evidence) Regulations (Northern Ireland) 1976(19), in paragraph 3 of Schedule 1 (rules as to evidence of incapacity for work), after “Health and Personal Social Services (Northern Ireland) Order 1972”, insert “or the list of a doctor, or a list held jointly by two or more doctors, performing personal medical services in connection with a pilot scheme under the Health Services (Primary Care) (Northern Ireland) Order 1997,”.

### **Amendment of the Statutory Sick Pay (Medical Evidence) Regulations (Northern Ireland) 1985**

**10.** In the Statutory Sick Pay (Medical Evidence) Regulations (Northern Ireland) 1985(20), in paragraph (3) of Schedule 1 (rules as to statement of incapacity for work), after “Health and Personal Social Services (Northern Ireland) Order 1972”, insert “or the list of a doctor, or a list held jointly by two or more doctors, performing personal medical services in connection with a pilot scheme under the Health Services (Primary Care) (Northern Ireland) Order 1997,”.

### **Amendment of the Children’s Homes Regulations (Northern Ireland) 1996**

**11.** In the Children’s Homes Regulations (Northern Ireland) 1996(21), in paragraph 18 of Schedule 2 (information to be included in confidential records), at the end, insert “, or, where the child is included in a list of patients held jointly by two or more doctors in connection with a pilot scheme under the Health Services (Primary Care) (Northern Ireland) Order 1997, the address of the practice premises of those doctors”.

(16) S.R. 1986 No. 163; as amended by S.R. 1988 No.110, S.R.'s. 1989 Nos.113 and 269, S.R. 1990 No. 191, S.R. 1995 No. 115, S.Rs. 1996 Nos. 135 and 416

(17) Paragraph 8C was inserted by S.R. 1996 No. 135, regulation 8(6)

(18) See the directions to Health and Social Services Boards concerning the handling of complaints about the provision of family health services and personal medical services, given by the Department of Health and Social Services on 21st December 1998

(19) S.R. 1976 No. 615; to which there are amendments not relevant to these regulations

(20) S.R. 1985 No. 321; as amended by S.R. 1992 No. 83

(21) S.R. 1996 No. 479

### **Amendment of the Children (Private Arrangements for Fostering) Regulations (Northern Ireland) 1996**

12. In the Children (Private Arrangements for Fostering) Regulations (Northern Ireland) 1996<sup>(22)</sup>, in regulation 2(2)(f) (general welfare of children), at the end, insert “, or the list of a doctor performing personal medical services in connection with a pilot scheme under the Health Services (Primary Care) (Northern Ireland) Order 1997 (or a list held jointly by two or more such doctors in connection with a pilot scheme under that Order)”.

### **Amendment of the Health and Social Services Trusts (Membership and Procedure) Regulations (Northern Ireland) 1994**

13. The Health and Social Services Trusts (Membership and Procedure) Regulations (Northern Ireland) 1994<sup>(23)</sup>, shall be amended as follows—

- (a) in regulation 1(2) (interpretation), at the appropriate place in alphabetical order, insert—
- ““the 1997 Order” means the Health Services (Primary Care) (Northern Ireland) Order 1997;”;
  - ““pilot scheme” has the meaning assigned to it in Article 3(1) of the 1997 Order;”;
  - ““pilot scheme agreement” means an agreement which constitutes, or is one of the agreements which together constitute, a pilot scheme;”;
  - ““pilot scheme provider” means a person, other than a Health and Social Services Board, who is a party to a pilot scheme agreement under the 1997 Order;”;
  - ““pilot scheme performer” means a person, who may also be a pilot scheme provider, who performs personal medical services or personal dental services under a pilot scheme;”;
  - ““pilot scheme employee” means an individual who, in connection with the provision of personal medical services or personal dental services under a pilot scheme, is employed by a person providing those services;”;
- (b) in regulation 11(1) (disqualification for appointment as chairman and non-executive directors),—
- (i) for sub-paragraph (f) substitute—
    - “(f) he is a—
      - (i) general medical practitioner or general dental practitioner or an employee of either of those, or
      - (ii) pilot scheme provider, pilot scheme performer or pilot scheme employee;”;
  - (ii) after sub-paragraph (h), insert—
    - “(i) he has applied for his name to be included in a list of a Health and Social Services Board, and a direction that his name should not be included in the relevant list has been given by the Tribunal under paragraph 4 of Schedule 1 to the Health Services (Primary Care) (Northern Ireland) Order 1997, and such disqualification has not been removed following an application to the Tribunal under regulation 12 of the Tribunal Regulations (Northern Ireland) 1995<sup>(24)</sup>.”.

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<sup>(22)</sup> S.R. 1996 No. 452

<sup>(23)</sup> S.R. 1994 No. 63

<sup>(24)</sup> S.R. 1995 No. 493; as amended by S.R. 1997 No. 71 and S.R. 1999 No. 15

### **Amendment of the Health and Social Services Councils Regulations (Northern Ireland) 1991**

14. The Health and Social Services Councils Regulations (Northern Ireland) 1991(25) shall be amended as follows—

- (a) in regulation 1(2) (interpretation), at the appropriate place in alphabetical order, insert—
- ““pilot scheme” has the meaning assigned to it in Article 3(1) of the Health Services (Primary Care) (Northern Ireland) Order 1997;”;
  - ““pilot scheme agreement” means an agreement which constitutes, or is one of the agreements which together constitute, a pilot scheme;”;
  - ““pilot scheme provider” means a person, other than a Health and Social Services Board, who is a party to a pilot scheme agreement under the Health Services (Primary Care) (Northern Ireland) Order 1997;”;
  - ““pilot scheme performer” means a person, who may also be a pilot scheme provider, who performs personal medical services or personal dental services under a pilot scheme;”;
- (b) in regulation 7(1) (disqualification for membership), after sub-paragraph (e), insert—
- “(ee) he is a pilot scheme provider or pilot scheme performer in a pilot scheme under the Health Services (Primary Care) (Northern Ireland) Order 1997;”.

### **Amendment of the Health Services (Choice of Medical Practitioner) Regulations (Northern Ireland) 1998**

15. In regulation 4 of the Health Services (Choice of Medical Practitioner) Regulations (Northern Ireland) 1998(26), in paragraph (9), for “this paragraph” substitute “paragraph (8)”.

Sealed with the Official Seal of the Department of Health and Social Services on

8th March 1999.

*D. A. Baker*  
Assistant Secretary

Sealed with the Official Seal of the Department of Finance and Personnel in so far as the foregoing regulations relate to Article 61 of the Health and Personal Social Services (Northern Ireland) Order 1972 on

8th March 1999.

*J. G. Sullivan*  
Assistant Secretary

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*Status: This is the original version (as it was originally made). Northern  
Ireland Statutory Rules are not carried in their revised form on this site.*

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The Department of Finance and Personnel hereby approves the foregoing regulations in so far as they relate to Schedule 15 to the Health and Personal Social Services (Northern Ireland) Order 1972. Sealed with the Official Seal of the Department of Finance and Personnel on

8th March 1999.

*J. G. Sullivan*  
Assistant Secretary

## SCHEDULE

### Provisions conferring powers used in the making of these Regulations

#### **The Health and Personal Social Services (Northern Ireland) Order 1972(27)**

Article 15E(1) and (2)  
Article 55(3)  
Article 56(1), (2), (3), (3A), (4), (4B) and (5) and Article 61  
Article 63(1) and (2)  
Article 64(1)  
Article 95  
Article 98  
Article 106(b)  
Article 107(6)  
Schedule 3, paragraph 7  
Schedule 15

#### **The Health and Personal Social Services (Northern Ireland) Order 1991(28)**

Article 10(6)  
Schedule 1, paragraphs 2 and 3

#### **The Social Security Administration Act (Northern Ireland) 1992(29)**

Section 12(2)  
Section 57  
Paragraph 4 of Schedule 3

#### **The Children (Northern Ireland) Order 1995(30)**

Article 73(2)(d)  
Article 89(2)(g)  
Article 105(2)(g)  
Article 108(2)(b)

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(27) S.I. [1972/1265](#) (N.I. 14); as amended by Article 12 of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. [1978/1907](#) (N.I. 26)); Article 7 of the Health and Personal Social Services and Public Health (Northern Ireland) Order 1986 (S.I. [1986/2229](#) (N.I. 24)); Article 5(2) of the Health and Personal Social Services (Amendment) (Northern Ireland) Order 1986 (S.I. [1986/2023](#) (N.I. 20)); Article 4(5) of the Health and Medicines (Northern Ireland) Order 1988 (S.I. [1988/2249](#) (N.I. 24)); Article 31(2) of the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. [1991/194](#) (N.I.1)); section 4 of, and paragraph 30(a) and (b) of the Schedule to, the Medical (Professional Performance) Act 1995 ([1995 c. 51](#)); Article 23 of, and Schedule 2 to, the Health Services (Primary Care) (Northern Ireland) Order 1997 (S.I. [1997/1177](#) (N.I. 7))

(28) S.I. [1991/194](#) (N.I. 1)

(29) [1992 c. 8](#), as amended by [1996 c. 23](#)

(30) S.I. [1995/755](#) (N.I. 2)

## **The Health Services (Primary Care) (Northern Ireland) Order 1997(31)**

Article 3(5)(a)

Article 12(2)(a)

Paragraphs 1 and 2 of Schedule 1

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### **EXPLANATORY NOTE**

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

These Regulations contain miscellaneous provisions and provisions consequential on the coming into operation, on 1st April 1999, of those provisions of the Health Services (Primary Care) (Northern Ireland) Order 1997 (“the 1997 Order”) relating to pilot schemes.

Part I of the Regulations is general.

Part II contains miscellaneous provisions. Regulation 2 specifies the circumstances in which a Health and Social Services Board must make arrangements for the provision of general medical services (under Article 56 of the Health and Personal Social Services (Northern Ireland) Order 1972) for a person who is provided with personal medical services under a pilot scheme under the 1997 Order. Such arrangements must be made where the personal medical services which are provided to the person in question are limited to contraceptive services and maternity medical services and, in certain circumstances, where that person is being treated as a temporary resident. Regulation 3 prescribes the categories of persons who may perform personal medical services in connection with a pilot scheme (in addition to persons who are otherwise able to perform such services under Article 12 of the 1997 Order). The categories are doctors who are in the course of undertaking part only of the experience prescribed by regulations relating to the vocational training of general medical practitioners and doctors whose experience has been certified as equivalent to the experience so prescribed.

Part III contains amendments consequential upon the coming into operation of those provisions of the 1997 Order relating to pilot schemes, and regulations thereunder.

Regulation 4 contains consequential and minor amendments to the General Medical Services Regulations (Northern Ireland) 1997, required principally as a consequence of the coming into operation of the Health Services (Choice of Medical Practitioner) Regulations (Northern Ireland) 1998 and the Health Services (Pilot Schemes: Part VI Practitioners) Regulations (Northern Ireland) 1998.

Regulation 5 contains consequential and minor amendments to the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993, and regulations 6 to 14 make consequential or minor amendments to a range of subordinate legislation relating to the health and personal social services, social security and children. Regulation 15 makes a minor amendment to the Health Services (Choice of Medical Practitioner) Regulations (Northern Ireland) 1998 to clarify that a decision on exemption from liability to have persons assigned is taken under regulation 4(8) of those regulations.

The directions to Health and Social Services Boards concerning variations of pilot schemes (personal dental services), and concerning complaints, which are referred to in these regulations, can be obtained from:

Primary Care and Commissioning Development Directorate  
Health and Social Services Executive  
Dundonald House  
Upper Newtownards Road  
Belfast BT4 3SF.