

2001 No. 218

HEALTH AND PERSONAL SOCIAL SERVICES

**The General Medical Services (Miscellaneous Amendments)
Regulations (Northern Ireland) 2001**

Made 21st May 2001

Coming into operation 2nd July 2001

The Department of Health, Social Services and Public Safety(a), in exercise of the powers conferred on it by Articles 56(1), (2), (3), (3A), (4), (4B) and (5), 95, 106, 107(6) of, paragraph 7 of Schedule 3 to, and paragraph 2(3) of Schedule 10 to, the Health and Personal Social Services (Northern Ireland) Order 1972(b) and of all other powers enabling it in that behalf, and in conjunction with the Department of Finance and Personnel and after consultation with such organisations as appeared to the Department to be representative of the medical profession, as required by Article 56(5) of that Order, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the General Medical Services (Miscellaneous Amendments) Regulations (Northern Ireland) 2001 and shall come into operation on 2nd July 2001.

(2) In these Regulations, “the principal Regulations” means the General Medical Services Regulations (Northern Ireland) 1997(c).

Insertion of regulation 17A into the principal Regulations

2. After regulation 17 of the principal Regulations (amendment of local directory), insert—

“*Certificate that transaction does not involve sale of goodwill*

17A. A certificate issued by a Board under paragraph 2(3) of Schedule 10 to the Order(d) shall be in the form set out in Schedule 7A.”.

(a) S.I. 1999/283 (N.I. 1), *See* Article 3(6)
(b) 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 4(5) of the Health and Medicines (Northern Ireland) Order 1988 (S.I. 1988/2249 (N.I. 24)); Article 29 (1) of, and Schedule 6 to, 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 32 of, and Schedule 2 to, the Health Services (Primary Care) (Northern Ireland) Order 1997 (S.I. 1997/1177 (N.I. 7)); and section 55 of, and Schedule 3 to, the Health and Personal Social Services Act (Northern Ireland) 2001 (c. 3)
(c) S.R. 1997 No. 380, relevant amending Regulations are S.R. 1998 No. 9
(d) Schedule 10 was substituted by section 55 of, and Schedule 3 to, the Health and Personal Social Services Act (Northern Ireland) 2001 (c. 3)

Amendment of regulation 37 of the principal Regulations

3. In regulation 37(2) of the principal Regulations (payments), for subparagraph (e) shall be substituted—

“(e) allowances for study leave;”.

Insertion of Schedule 7A into the principal Regulations

4. After Schedule 7 to the principal Regulations insert 7A as set out in the Schedule.

Insertion of paragraph 4A into Schedule 14 to the principal Regulations

5. In Schedule 14 to the principal Regulations (constitution of the medical committee) after paragraph 4 there shall be inserted—

“4A. In the event of the Chairperson being unable to attend, the Committee may nominate a Deputy Chairperson from the 4 members who are doctors.”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 21st May 2001.

(L.S.)

D. A. Baker
Senior Officer of the Department of
Health, Social Services and Public Safety

Sealed with the Official Seal of the Department of Finance and Personnel on 21st May 2001.

(L.S.)

J. H. Caldwell
Senior Officer of the Department of
Finance and Personnel

New Schedule 7A to be inserted in Principal Regulations

“SCHEDULE 7A

Regulation 17A

Form or Certificate to be issued by the Health and Social Services Board under paragraph 2(3) of Schedule 10 to the Health and Personal Social Services (Northern Ireland) Order 1972

WHEREAS _____ has applied to the Health and Social Services Board under paragraph 2(2) of Schedule 10 to the Health and Personal Social Services (Northern Ireland) Order 1972 for its opinion as to whether the proposed transaction or series of transactions described in the Schedule, which sets out all material circumstances disclosed to the Health and Social Services Board involves the sale of the goodwill or any part of the goodwill of a medical practice which it is unlawful to sell by virtue of Article 60 of that Order AND WHEREAS the Health and Social Services Board has considered the application:

NOW, THEREFORE, the Health and Social Services Board hereby certifies that it is satisfied that the transaction or series of transactions does not involve the giving of valuable consideration in respect of the goodwill or any part of the goodwill of the medical practice.

Dated this _____ day of _____ 200 .

Signature of an officer authorised by the Health and Social Services Board for the purpose.”

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the General Medical Services Regulations (Northern Ireland) 1997 (“the principal Regulations”).

They insert a new regulation 17A into the principal Regulations which provides that a certificate issued under paragraph 2 of Schedule 10 to the Health and Personal Social Services (Northern Ireland) Order 1972 shall be in the form set out in the new Schedule 7A. (Regulations 2 and 4).

Regulation 37(2) of the principal Regulations is amended to remove the references to allowances for training doctors from the matters for which provision shall be made in a determination under paragraph (1) of that regulation (regulation 3).

Schedule 14 to the principal Regulations is amended to enable the Medical Committee, in the absence of the Chairperson, to nominate a Deputy Chairperson from the 4 members who are doctors (regulation 5).

Paragraph 2(3) of Schedule 10 to the Health and Personal Social Services (Northern Ireland) Order 1972, (“the 1972 Order”), one of the enabling provisions under which these Regulations are made, is substituted by section 55 of, and Schedule 3 to, the Health and Personal Social Services Act (Northern Ireland) 2001 (“the 2001 Act”). The provisions of the 2001 Act which amend the 1972 Order in relation to the sale of goodwill of a medical practice is brought into operation on 2nd July 2001 by virtue of the Health and Personal Social Services (2001 Act) (Commencement No. 1) Order (Northern Ireland) 2001 (S.R. 2001 No. 128 (C. 5)).

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