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STATUTORY RULES OF NORTHERN IRELAND

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**2004 No. 140**

**The Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004**

**PART 4**

**HEALTH SERVICES BODY STATUS**

**Health services body status**

**10.**—(1) Where a proposed contractor elects in a written notice served on the Board at any time prior to the contract being entered into to be regarded as a health services body for the purposes of Article 8 of the 1991 Order, he shall be so regarded from the date on which the contract is entered into.

(2) If, pursuant to paragraph (1) or (5) a contractor is to be regarded as a health services body, it shall not affect the nature of, or any rights or liabilities arising under, any other contract with a health services body entered into by a contractor before the date on which the contractor is to be so regarded.

(3) Where a contract is made with an individual medical practitioner or two or more persons practising in partnership, and that individual, or that partnership is to be regarded as a health services body in accordance with paragraph (1) or (5), the contractor shall, subject to paragraph (4), continue to be regarded as a health services body for the purposes of Article 8 of the 1991 Order for as long as that contract continues irrespective of any change in –

- (a) the partners comprising the partnership;
- (b) the status of the contractor from that of an individual medical practitioner to that of a partnership; or
- (c) the status of the contractor from that of a partnership to that of an individual medical practitioner.

(4) A contractor may at any time request in writing a variation of the contract to include provision in or remove provision from the contract that the contract is an HSS contract, and if he does so –

- (a) the Board shall agree to the variation; and
- (b) the procedure in paragraph 96(1) of Schedule 5 shall apply.

(5) If, pursuant to paragraph (4), the Board agrees to the variation to the contract, the contractor shall –

- (a) be regarded; or
- (b) subject to paragraph (7), cease to be regarded

as a health services body for the purposes of Article 8 of the 1991 Order from the date that variation is to take effect pursuant to paragraph 96(1) of Schedule 5.

(6) Subject to paragraph (7), a contractor shall cease to be a health services body for the purposes of Article 8 of the 1991 Order if the contract terminates.

(7) Where a contractor ceases to be a health services body pursuant to –

- (a) paragraph (5) or (6), he shall continue to be regarded as a health services body for the purposes of being a party to any other HSS contract entered into after he became a health services body but before the date on which the contractor ceased to be a health services body (for which purpose he ceases to be such a body on the termination of that HSS contract);
- (b) paragraph (5), he shall, if he or the Board has referred any matter to the dispute resolution procedure before he ceases to be a health services body, be bound by the determination of the adjudicator as if the dispute had been referred pursuant to paragraph 92 of Schedule 5;
- (c) paragraph (6), he shall continue to be regarded as a health services body for the purposes of the dispute resolution procedure where that procedure has been commenced –
  - (i) before the termination of the contract, or
  - (ii) after the termination of the contract, whether in connection with or arising out of the termination of the contract or otherwise,for which purposes he ceases to be such a body on the conclusion of that procedure.