

*Draft Order in Council laid before Parliament under section 84(4) of the Northern Ireland Act 1998,
for approval by resolution of each House of Parliament*

DRAFT STATUTORY INSTRUMENTS

2004 No.

**CONSTITUTIONAL LAW
DEVOLUTION, NORTHERN IRELAND
NATIONAL HEALTH SERVICE,
NORTHERN IRELAND**

The Primary Medical Services (Northern Ireland)
Order 2004 (Consequential Amendments) Order 2004

Made - - - - 2004

Coming into force in accordance with article 1(1)

At the Court at Buckingham Palace, the [] day of [] 2004

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order in Council has been approved by resolution of each House of Parliament;

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 84(2) and (3) of the Northern Ireland Act 1998(1) is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation, commencement and extent

1.—(1) This Order may be cited as the Primary Medical Services (Northern Ireland) Order 2004 (Consequential Amendments) Order 2004 and shall come into force on the day after the Order is made.

(1) 1998 c. 47; see section 98 for the definition of Northern Ireland legislation. By virtue of paragraph 3(1) of the Schedule to the Northern Ireland Act 2000 (c. 1), the reference to Acts of the Assembly in section 98 is to be interpreted as including references to Orders in Council made under paragraph 1(1) of the Schedule to that Act.

(2) The extent of the amendments made by the Schedule is the same as that of the enactments amended, except that paragraph 4(2)(a), (3)(a), (4)(a) and (5) do not extend to Northern Ireland(2).

Consequential amendments

2. The enactments listed in the Schedule are amended as there specified.

Saving of certain provisions of the Medical Act 1983

3. Notwithstanding the coming into force of the amendments to sections 11 and 12 of the Medical Act 1983(3) made by paragraph 1 of the Schedule, in relation to any employment before the date on which those amendments came into force in—

- (a) an approved medical practice; or
- (b) a health centre,

sections 11(4) and 12(2)(a) of the Medical Act 1983 shall have effect as if those amendments had not come into force.

Name
Clerk of the Privy Council

(2) Amendments in identical terms to those in paragraph 4(2)(a),(3)(a), (4)(a) and (5) of the Schedule have been made in relation to Northern Ireland by paragraph 15 of Schedule 1 (minor and consequential amendments) to the General Medical Services Transitional and Consequential Provisions (No. 2) (Northern Ireland) Order 2004 (S.R. 2004/156).

(3) 1983 c. 54.

SCHEDULE

Article 2

AMENDMENT OF ENACTMENTS

Medical Act 1983

1.—(1) The Medical Act 1983 is amended as follows.

(2) In the definition of “medical practice” in section 11(4)(4) (provisions supplementary to section 10, etc)—

- (a) in paragraph (a), for “provide general medical services under” substitute “perform primary medical services under Article 15B or”; and
- (b) omit paragraph (b).

(3) In section 12(2)(a)(5) (special provisions as to employment in health centres), for “or Part 1 of the National Health Service (Scotland) Act 1978 or general medical services under” substitute “, Part 1 of the National Health Service (Scotland) Act 1978 or Article 15B or”.

Medicines (Pharmacy and General Sale – Exemption) Order 1980

2. In article 4B of the Medicines (Pharmacy and General Sale – Exemption) Order 1980(6) (exemption for health professionals who supply medicinal products under a Patient Group Direction in order to assist doctors or dentists in providing national health services), for paragraph (3)(b)(iii) substitute—

- “(iii) in relation to Northern Ireland, the provision of primary medical services under Article 15B or Part VI of the Health and Personal Social Services (Northern Ireland) Order 1972;”.

The Prescription Only Medicines (Human Use) Order 1997

3. In article 12B of the Prescription Only Medicines (Human Use) Order 1997(7) (exemption for health professionals who supply or administer prescription only medicines under a Patient Group Direction in order to assist doctors or dentists in providing national health services), for paragraph (3) (b)(iii) substitute—

- “(iii) in relation to Northern Ireland, the provision of primary medical services under Article 15B or Part VI of the Health and Personal Social Services (Northern Ireland) Order 1972.”.

The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003

4.—(1) The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003(8) shall be amended as provided in this paragraph.

(2) In article 10 (the General Practitioner Register)—

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- (4) The definition of “medical practice” was inserted by the National Health Service (Primary Care) Act 1997 (c. 46), section 35(4) (a) and amended by the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), (“the 2003 Act”), Schedule 11, paragraph 48 and S.I. 2004/957.
 - (5) Section 12(2)(a) was amended by the 2003 Act, Schedule 11, paragraph 49 and S.I. 2004/957.
 - (6) S.I. 1980/1924; article 4B was inserted by S.I. 2000/1919 and amended by S.I. 2004/865, S.S.I. 2004/212 and S.R. 2004/156.
 - (7) S.I. 1997/1830; article 12B was inserted by S.I. 2000/1917 and amended by S.I. 2002/2469 and 2004/865, S.S.I. 2004/212 and S.R. 2004/156.
 - (8) S.I. 2003/1250, as amended by S.I. 2004/865 and 2261S.R. 2004/156.

- (a) in paragraph (4), for sub-paragraph (c), substitute—
 - “(c) in Northern Ireland, be included in a primary medical services performers list.”;
- (b) omit paragraphs (6) and (7).
- (3) In Schedule 1 (interpretation)—
 - (a) in the appropriate alphabetical position insert—
 - ““a primary medical services performers list” means a list of medical practitioners prepared and published pursuant to Article 57G of the Health and Personal Social Services (Northern Ireland) Order 1972;”;
 - and
 - (b) in the definition of “restricted services principal”(9), for paragraph (c) substitute—
 - “(c) in Northern Ireland, a general practitioner who had, pursuant to the General Medical Services Regulations (Northern Ireland) 1997 (before their revocation), undertaken to provide general medical services limited to—
 - (i) child health surveillance services,
 - (ii) contraceptive services,
 - (iii) maternity medical services, or
 - (iv) minor surgery services,or to any combination of the above;”.
- (4) In Schedule 8 (transitional, transitory and saving provisions), in paragraph 22 (general practitioners permitted to work within the National Health Service during the transitional period)—
 - (a) in sub-paragraph (2), for paragraph (c), substitute—
 - “(c) in Northern Ireland, inclusion in a primary medical services performers list;”;
 - and
 - (b) omit sub-paragraphs (4) and (5).
- (5) In Schedule 9 (consequential amendments to primary legislation), omit paragraph 7.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to primary and secondary legislation consequential on the Primary Medical Services (Northern Ireland) Order 2004 (S.I.2004/311 (N.I. 2)) which introduced a new framework for primary medical services in Northern Ireland. That framework replaced the previous system of general medical services and amended provisions relating to personal medical services.

Article 2 and the Schedule replace references to the old system in the Medical Act 1983 and three statutory instruments with references to the new system.

Article 3 saves the previous provisions of sections 11 and 12 of the Medical Act 1983 in relation to employment in medical practices before the amendments made by paragraph 1 of the Schedule came into force.

(9) As inserted by S.I. 2004/865, Schedule 1, paragraph 37(5)(b).

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Draft Legislation: *This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Primary Medical Services (Northern Ireland) Order 2004 (Consequential Amendments) Order 2004 No. 3038*